

In the Matter Of:

Grace Ocean Private Limited and Synergy Marine PTE LTD

UNDER SEAL

STEPHEN FERNANDO KWINTEEN JAYAKUMAR

March 12, 2025



1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 NORTHERN DIVISION

3 Civil Action No. 24-00941-JKB

4 IN THE MATTER OF
5 THE PETITION OF

6 GRACE OCEAN PRIVATE LIMITED,
7 as Owner of the M/V DALI and
8 SYNERGY MARINE PTE LTD, as
Manager of the M/V DALI,

9 For Exoneration from or
Limitation of Liability

10 _____ /
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12
13

14 DEPOSITION OF
15 STEPHEN FERNANDO KWINTEEN JAYAKUMAR
16 CONFIDENTIAL - ATTORNEYS' EYES ONLY

17 Wednesday, March 12, 2025
18 9:04 a.m. - 2:56 p.m.
19
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21
22

23 Marriott Waterfront
24 700 Aliceanna Street
25 Baltimore, Maryland 21202

26 Stenographically reported by:
27 Erica Field, RDR, CRR, CA-CSR, TX-CSR,
28 GA-CSR, WA-CSR, NM-CCR, IL-CSR, NJ-CCR,
29 FL-FPR, OR-CSR, NY Notary, FL Notary,
AK Notary, DC Notary
30 Job No. 976008

2

1 REALTIME VIDEOTAPED STENOGRAPHIC
2 DEPOSITION of STEPHEN FERNANDO KWINSTEEN
3 JAYAKUMAR, taken in the above-entitled
4 matter before ERICA FIELD, RDR, CRR,
5 California Certified Shorthand Reporter
6 (License No. 14515), Texas Certified
7 Shorthand Reporter (License No. 12724),
8 Oregon Certified Shorthand Reporter (License
9 No. 240103), New Jersey Certified Court
10 Reporter (License No. 30XI00244800), New
11 Mexico Certified Court Reporter (License No.
12 575), Washington Certified Shorthand
13 Reporter (License No. 22020479), Illinois
14 Certified Shorthand Reporter (License No.
15 084004952), Georgia Certified Court Reporter
16 (License No. 5338-8044-2296-7296), Florida
17 Professional Reporter (License No. 1109),
18 New York Notary, Florida Notary, Alaska
19 Notary, DC Notary taken at Marriott
20 Waterfront, 700 Aliceanna Street, Baltimore,
21 Maryland 21202 on Wednesday, March 12, 2025,
22 commencing at 9:04 a.m.

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16 ALSO PRESENT:

17 Jason Levin, Videographer
18 Joshua Clarke, Doc Tech
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1 Thereupon,

2 the proceedings began at 9:04 a.m.:

3 THE VIDEOGRAPHER: We are now on
4 the record. My name is Jason Levin.
5 I'm a videographer retained by
6 Lexitas. Today's date is March 12,
7 2025, and the time is 9:04 a.m.
8 Eastern. This deposition is being
9 held at the Baltimore Marriott
10 Waterfront in the matter of In Re:
11 Grace Ocean Private Limited
12 Litigation. The deponent is Stephen
13 Fernando Kwinteen Jayakumar. All
14 counsel will be noted on the
15 stenographic record. The court
16 reporter is Erica Field and will now
17 swear in the interpreter and the
18 witness.

19 Whereupon

20 SUJITHA SUBRAMARIAM,
21 the interpreter herein, was sworn to truly
22 and correctly translate English into Hindi
23 and Hindi into English.

24 Whereupon,

25 STEPHEN FERNANDO KWINTEEN JAYAKUMAR,

10

1 having been first duly sworn or affirmed, was
2 examined and testified as follows:

3 DIRECT EXAMINATION

4 BY MR. WALKER:

5 Q. Good morning, sir.

6 A. Good morning, sir.

7 Q. My name is Larry Walker. I'm an
8 attorney with the law firm of Cozen O'Connor,
9 and my client in this case is Ace American
10 Insurance Company. Ace was the insurance
11 company for the bridge, and that's who I
12 represent in this case. Okay?

13 A. Okay.

14 Q. Is it okay if I call you Kwinteen?

15 A. Yeah, no problem.

16 Q. Is that the surname that you go by
17 when you talk with people that you're
18 comfortable with?

19 A. That's my given name.

20 Q. Okay.

21 A. Stephen Fernando is my surname.

22 Q. All right. I appreciate that.
23 Have you ever given sworn testimony under
24 oath before where you were asked to --

25 A. Yes. Yes, with the FBI.

1 Q. With the FBI?

2 A. Yeah.

3 Q. Okay. We're not going to talk
4 about that today.

5 A. Okay.

6 Q. We have had an agreement.

7 MR. WALKER: Speaking of
8 agreements, is there something you
9 want to put on the record, Mr. Duffy?

10 MR. DUFFY: Just the same as
11 we've done to the past two days. I
12 would like to have this deposition
13 testimony treated at confidential
14 pending the release of the transcript,
15 and then it will be according to the
16 protective order.

17 MR. BENNETT: Just so it goes
18 smoothly, I will just put a continuing
19 objection for any and all questions
20 regarding NTSB investigative
21 materials.

22 MR. WALKER: And, of course, the
23 claimant side doesn't necessarily
24 agree with those objections, but we
25 understand them, and we'll respect

12

1 them at this time. Thank you.

2 BY MR. WALKER:

3 Q. All right, Kwinteen. We are going
4 to spend a few hours together. Let me
5 explain to you some rules that will help make
6 this deposition move along more quickly.

7 Okay?

8 A. Yeah, okay.

9 Q. The most important instruction
10 that I can give you is to listen carefully to
11 the questions that I ask. If you don't
12 understand a question that I ask or you don't
13 hear me or especially if you don't understand
14 because of a language barrier, will you
15 please let me know that you either didn't
16 hear or me or didn't understand me?

17 A. Yeah, sure, I do it.

18 Q. Okay. If you do that, I will
19 repeat or rephrase any of my questions, and
20 we may ask for the interpreter to help us.

21 Okay?

22 A. Yeah, okay.

23 Q. All right. It's also very
24 important that we don't talk over one
25 another. Okay?

13

1 A. Okay.

2 Q. And that's because the court
3 reporter who is sitting to my left and
4 directly across the table from you is
5 transcribing all of the words that we use
6 today so that we can see a booklet later and
7 read it. Okay?

8 A. Okay.

9 Q. And while she's very good at what
10 she does, it's difficult for her to
11 transcribe two people speaking at the same
12 time.

13 A. Okay.

14 Q. So we have to wait for each other.
15 Okay?

16 A. Okay. Sure.

17 Q. If you wait until I'm finished
18 asking my questions, I will try to wait until
19 you finish providing an answer. Okay?

20 A. Okay.

21 Q. I'm going to apologize in advance.
22 If you start because you think I paused in my
23 question, you think I'm done, sometimes, just
24 like I am right now, we're that reading
25 things, we're having a conversation, and I'm

14

1 thinking about it in my head, you see me put
2 my hand up to stop you from talking. I'm not
3 doing that to be rude. I'm just trying to
4 show to you that I'm not finished yet and
5 asked you to wait. Okay?

6 A. Yeah, I understand.

7 Q. And I'm going to do the same --
8 and you can do the same for me. Okay?

9 A. Yeah, okay.

10 Q. All right. If you need to take a
11 break at some point in time -- we're going to
12 be doing this for a while. If you get tired,
13 and you need to use the restroom, you will
14 let us know, right?

15 A. Yeah, sure.

16 Q. Okay. And we'll do that for you.
17 The only rule that I have is that, if there's
18 a pending question, I will ask you to finish
19 that question, and if I think there's maybe
20 one or two questions to finish a line of
21 questions, I may ask you to finish that line,
22 and then we'll take a break. Okay?

23 A. Yeah, okay.

24 Q. Will you do your best today to
25 provide full and complete answers to the

15

1 questions that I ask?

2 A. Yeah, sure.

3 Q. And what I mean by that is that if
4 I ask you about a particular topic, I would
5 like you to tell me everything that you know
6 because, to the extent that you can, it will
7 alleviate a lot more questions asking if
8 we've learned everything that you already you
9 know. Okay?

10 A. Yeah, sure. To the best of my
11 knowledge, I try to give all the information.

12 Q. Okay. I also want to make sure
13 you understand that at no time, no matter
14 what I ask you, I do not want to you tell me
15 about what you discussed your attorney,
16 Mr. Duffy. Okay?

17 A. Yeah, sure.

18 Q. Do you have any other attorneys
19 that represent you?

20 A. No.

21 Q. Do you know Mr. Bennett?

22 A. Yeah, I seen him. I had a few
23 words with him.

24 Q. Have you met with Mr. Bennett
25 before?

16

1 A. Yeah, it was a few days before I
2 met.

3 Q. A few days from now, earlier?

4 A. Yeah. And apart from that, I seen
5 him onboard. But I haven't spoken with him
6 onboard. I just seen him onboard.

7 Q. And just to make sure I understand
8 because I heard a little accent there. You
9 did not meet with Mr. Bennett on the Dali,
10 but you have seen him on the --

11 A. Seen him, correct.

12 Q. Understood. And do you
13 understand -- do you have any understanding
14 or -- let me rephrase the question.

15 What is your understanding about
16 whether Mr. Bennett is your attorney?

17 A. My understanding is like he's
18 representing Synergy and Grace Ocean, I
19 think. I think he's representing Synergy.

20 Q. Grace Ocean and Synergy. Okay.

21 We may or may not get into
22 whatever you have discussed with Mr. Bennett.
23 We'll see how that goes as we proceed. Okay?

24 A. Yeah, okay.

25 Q. If during the course of this

1 deposition, you think you need your
2 interpreter, would you tell me?

3 A. Yeah, I will tell you if I need
4 the interpreter.

5 Q. Do you believe you need an
6 interpreter to speak with us today?

7 A. No. In case if I stuck with
8 anything, I will just ask my interpreter to
9 translate.

10 Q. And is it fair to say today that
11 if you do not tell us that you need an
12 interpreter that you understand the questions
13 I ask?

14 A. Yes.

15 Q. So you will tell me when you need
16 the interpreter?

17 A. Yeah, that's correct.

18 Q. All right. What I would like to
19 do is start off by talking a little bit about
20 you. Okay?

21 A. Okay.

22 Q. How old are you, sir?

23 A. I'm 46.

24 Q. And where are you from?

25 A. I'm from India.

1 Q. Where in India?

2 A. India in the state of Tamil Nadu,
3 which is south -- from southern part of
4 India.

5 Q. And can you spell where you live
6 for the court reporter?

7 A. I live in state of Tamil Nadu, and
8 the district is Tuticorin. And you want the
9 door numbers too?

10 Q. Please, sir.

11 A. Yeah, please. My house door
12 number is 1H by 1193, and it's Mani Nagar 1st
13 Street; Vallinayagapuram, the street;
14 Tuticorin; State, Tamil Nadu; nationality,
15 India.

16 Q. And can you spell the town and
17 street for us?

18 A. Town is Tuticorin,
19 T-U-T-I-C-O-R-I-N. And state is Tamil Nadu,
20 T-A-M-I-L N-A-D-U.

21 Q. And tell me about your educational
22 background.

23 A. My educational background is after
24 finishing my school, I went to college and
25 got a degree from bachelor of science in

19

1 physics major. After that, I did my pre-sea
2 training to join the ship, which is from
3 India. And if I'm staying in school, I did
4 all my STCW basic courses.

5 (Reporter clarification.)

6 A. I did my pre-sea training, which
7 is the basic training which is like to join
8 the ship, so under this -- it's a name of the
9 institute is NU Sea Maritime Academy.

10 BY MR. WALKER:

11 Q. Can you spell that?

12 A. N-U Sea Maritime Academy. So the
13 same institute, I did all my STCW courses,
14 which are the basic courses to join the ship.

15 Q. And how old were you when you
16 finished the maritime academy?

17 A. How old? 23.

18 Q. And so have you been sailing for
19 23 years?

20 A. I started my first carrier, first
21 ship joined on 2006, the year 2006.

22 Q. Have you been sailing continuously
23 from 2006 to the present?

24 A. Yeah, that's correct. In between,
25 I went to the colleges for me, upgraded like

20

1 a higher level courses actually as well.

2 Q. And I understand there are times
3 in between contracts, correct?

4 A. That's correct. Once you get to
5 sea series, and go for the college again,
6 then again begin sea series, and then go for
7 the college.

8 Q. But you be been involved in the
9 maritime industry continuously from 2006 to
10 the present?

11 A. Yeah, that's correct. From 2006
12 until now, just I was going with the maritime
13 industry.

14 Q. Can you tell me what type of
15 vessels that you have served on?

16 A. I served with Balkeria gas
17 tankers, general cargo, deep sea containers.

18 Q. Can you give me an estimate -- let
19 me back up and give you one more instruction.
20 Okay?

21 No one today wants you to guess.
22 Okay?

23 A. Sure. This education, I still
24 haven't finished.

25 Q. Just wait for my questions. Okay?

21

1 And the may be times today when I
2 ask you a question, and you think I'm asking
3 about one thing, and maybe in my mind I'm
4 asking about something else. I would ask you
5 to do your best to listen carefully to my
6 questions and answer the questions that I
7 ask. Okay?

8 A. Yeah, sure.

9 Q. But no one wants you to guess.
10 And what I mean by that is that there may be
11 times when I ask you a question, and you
12 think you know what the answer might be, and
13 you're trying to be helpful, and you're
14 telling me what you think the answer is, but
15 you don't actually know that to be true.

16 A. Yeah.

17 Q. Okay? I don't want you to guess
18 today. Don't tell me what you think might be
19 true. Tell me what you know to be true, and
20 if you don't know something, it's perfectly
21 okay to say I don't know.

22 A. Okay.

23 Q. All right. It's been my
24 experience that people like you want to be
25 helpful and that you want to try to provide

1 information, but sometimes people, in an
2 effort to try to provide additional
3 information, say things that they don't
4 actually know to be true, and that is not
5 helpful. That will just take us more time
6 today. Okay?

7 A. Okay.

8 Q. So when you don't know something,
9 just tell us you don't know. Okay?

10 A. Okay.

11 Q. All right. And the reason I ask
12 that question is I'm going to ask you a
13 question about how many vessels you served on
14 over your career, and I imagine you probably
15 don't know exactly how many vessels.

16 A. That's correct.

17 Q. But you can estimate or
18 approximate, and if you're doing that, just
19 tell us. Okay?

20 A. Okay.

21 Q. So how many vessels do you think
22 you served on over the years?

23 A. Approximately, I can't say, but I
24 can see my recurrency. Like just give me a
25 minute. I'll guess into it.

23

1 Q. No one wants you to guess, but if
2 you can approximate, that's fine.

3 A. Should be around approximately 17
4 vessels, 16 to 17.

5 Q. 15 to 17?

6 A. Yeah, we can say that, 15 to 17.

7 Q. And that's over an approximately
8 23-year career, correct?

9 A. That's correct.

10 Q. How many of those vessels had
11 hydraulic windlass?

12 A. Only one vessel.

13 Q. Was that the Dali?

14 A. Oh, apart from Dali, one vessel.

15 Q. So you have served on two vessels
16 that have had hydraulic windlasses?

17 A. Yes, but one more thing is that
18 the design will be totally different with
19 the -- what the vessel Dali has.

20 Q. How is it different?

21 A. It's a dynamic position which you
22 also call a tanker handling vessel, so that
23 vessel handles only handles anchor of the
24 other ships. So in that ship, I had that
25 hydraulic system, but it's totally different.

24

1 Q. In that ship that you are
2 describing to us, did the windlass have the
3 capacity to release the brake hydraulically?

4 A. Yes, in that ship we used to
5 operate from bridge.

6 Q. Okay. But the brake was operated
7 from the bridge?

8 A. That's correct.

9 Q. And on the Dali, the hydraulic
10 brake on the windlass would be operated at
11 the windlass on the bow, correct?

12 A. That's correct.

13 Q. Can you give me a description of
14 the various positions that you have held on
15 vessels over 23 years?

16 A. Okay. The first ship I joined as
17 a trainee ordinary seaman, and after that I
18 got promoted as the AB, and then after my
19 exams, I joined as a third officer, second
20 officer, and chief officer.

21 Q. And when did you begin serving as
22 a chief officer?

23 A. 2022.

24 Q. How long have you been employed by
25 Synergy?

25

1 A. I joined Synergy in the year 2013.

2 Q. What rank were you when you joined
3 Synergy?

4 A. As a third officer.

5 Q. Do you recall what vessel you were
6 on when you joined Synergy?

7 A. Yes, that is the first vessel,
8 dynamic pushing and anchor handling vessel.

9 The name of the vessel is Star Apollo.

10 (Reporter clarification.)

11 A. Star Apollo, S-T-A-R, A-P-O-L-L-O.

12 BY MR. WALKER:

13 Q. And that was the vessel that had
14 the hydraulic windlass?

15 A. That's what I'm telling. The
16 equipment they have on the anchor handling
17 vessel is totally different. It's like the
18 anchor will be holding by two hydraulic bits
19 type. So when we press in, that bit will
20 open, and the anchor will go.

21 So it's not like a windlass
22 system. The windlass will have the winch,
23 but the anchor will be holded in the
24 hydraulic bit. So it's totally different.
25 For releasing the hydraulic bit, we

26

1 press -- we operate from the bridge. After
2 that, once the hydraulic bit is released,
3 then we lower the winch with the electric
4 motor. That is also from bridge. Nothing
5 from on deck.

6 Q. Okay. When you joined the Dali,
7 did you have to receive any specialized
8 training about how to operate the windlass
9 that was on the Dali?

10 A. There's no special training to
11 operate the windlass before joining the Dali.
12 I didn't get it.

13 Q. You didn't --

14 A. Correct.

15 Q. But this is the first vessel that
16 you had ever been on that had this type of
17 windlass, correct?

18 A. There are vessels which had this,
19 but it's not operable in that vessel. So
20 once -- the system was not operable in that
21 vessel, which I sailed. It's like long
22 before in like Anglo Eastern, in that
23 company.

24 So that system was not operable,
25 so they started using the manual brake, so

1 that procedure was going on.

2 Q. What was not operable?

3 A. That hydraulic system.

4 Q. On the Dali?

5 A. Not on the Dali. I was on Anglo
6 Eastern, so in that ship, I had this
7 hydraulic system, but it was not operable, so
8 it was not in use at all. So we were using
9 the manual brake, and we were going with
10 that. So I never used that -- never know
11 about that hydraulic system on that ship.

12 Q. I'm talking about the Dali now.

13 A. Okay.

14 Q. Is that the first vessel you ever
15 served on that had the same type of windlass
16 that included a hydraulic brake?

17 A. Yeah, that included the hydraulic
18 brake, which is operable and in use, this is
19 the first ship I used, I will say.

20 Q. And when you joined the Dali, did
21 you receive any training on how to operate
22 the hydraulic windlass?

23 A. On shore I didn't receive any
24 training.

25 Q. And have you ever operated the

1 hydraulic windlass on the Dali yourself?

2 A. I didn't operate it, but when
3 bosun operating, I was nearby.

4 Q. So you have seen it operated?

5 A. Yeah, that's correct.

6 Q. How many times have you seen the
7 hydraulic windlass on the Dali operated?

8 A. Just the first time when we
9 dropped the anchor in Panama.

10 Q. The first time you ever saw the
11 windlass operate on the Dali was when it was
12 operated in Panama?

13 A. That's correct.

14 Q. Did you ever see the hydraulic
15 windlass operated hydraulically again after
16 that?

17 A. No. After that, when we picking
18 up when it was not operational, so after
19 that --

20 Q. I'm sorry. Go ahead. I didn't
21 mean to cut you off.

22 A. After that, I didn't see.

23 Q. So do I understand you correctly,
24 the first time you ever saw the hydraulic
25 windlass operated, it broke?

1 A. No. The first time we operated
2 the hydraulic brake, we dropped the anchor,
3 and we go to anchorage, and then we came
4 back. Then pilot told to pick up the anchor.
5 That time we went, and the bosun switched
6 down the power. The power didn't receive.

7 Q. So the first time you ever used
8 the hydraulic windlass, when the button was
9 pressed, it allowed the anchor to drop; is
10 that right?

11 A. That's correct. The brake was
12 released, and it was lowered at that point.

13 Q. And after that, the hydraulic
14 never operated again, correct?

15 A. Yes. After that, when we went to
16 pick up the anchor, and then they switched on
17 the power, the power didn't receive on the
18 control station.

19 Q. Am I correct that after the first
20 time you saw it operated, it never worked
21 again properly?

22 MR. BENNETT: Just note my
23 objection.

24 A. Please repeat your question.

30

1 BY MR. WALKER:

2 Q. Sure. We are talking about the
3 hydraulic brake on the windlass on the Dali.
4 Okay?

5 A. Yeah, okay.

6 Q. The first time that you ever saw
7 it operated, it worked, and assisted in
8 lowering the anchor, correct?

9 A. Correct.

10 Q. Did you ever see the hydraulic
11 brake operate properly again?

12 A. Yeah, after that, we didn't
13 receive the power, so it was not operable.

14 Q. So is the answer to my question,
15 yes, you never saw it operate again after --

16 A. Yeah, after that, I never saw it
17 operable again.

18 Q. Are you the chief safety officer
19 on the vessel Dali?

20 A. That's correct. As well as second
21 engineer also.

22 Q. I'm sorry?

23 A. As well as second engineer also.

24 Q. You probably know that we spoke to
25 the bosun?

1 A. Okay.

2 Q. Do you know the bosun?

3 A. Yes, I know the bosun.

4 Q. How long was the bosun under your
5 command?

6 A. The day which I joined the ship,
7 which is January 28th.

8 Q. 2024, correct?

9 A. 2024, correct.

10 Q. Where did you join?

11 A. I joined from Malaysia.

12 Q. And what were the ports of call
13 from there to Panama?

14 A. I don't remember much. I think my
15 last boat before Panama as bosun. That I
16 could say.

17 Q. Do you recall the ports of call
18 from Panama to Baltimore?

19 A. Yeah, sure. After Panama, we went
20 to Newark, Norfolk, and then Baltimore.

21 Q. Just to make sure we're on the
22 same page, Newark or New York?

23 A. Newark, N-E-W-A-R-K.

24 Q. Did you ever perform any crew
25 performance reviews of the bosun during your

1 time on the Dali?

2 A. Actually, the performance report
3 we used to make once in every three months.
4 So during my tenure, I don't think I would
5 have done that. I don't remember.

6 Q. If you had to prepare a
7 performance report for the bosun, how would
8 you rate him?

9 A. He's a very experienced guy. He
10 know what he's doing.

11 Q. You would give him a good review?

12 A. Yeah, I give him a good review.

13 Q. He's competent?

14 A. Yeah, he is sailing from 1990. He
15 should be competent.

16 Q. And do you believe him to be
17 physically capable of performing the tasks
18 that he is asked to perform?

19 A. He could -- he can do his job up
20 to his like physical skill, but still, if you
21 see for some job he could be needing some
22 assistance because of his age.

23 Q. Because of his age?

24 A. Yeah, he's like 55 years old.

25 Q. What are you trying to say about

33

1 55-year-old people? There's a lot of
2 55-year-olds in this room.

3 In all seriousness, explain, what
4 do you mean?

5 A. For example, suppose if you want
6 to lift a heavy weight, like 50kg, if you ask
7 me to lift, I would lift a 50kg. If you ask
8 some old man to do it, surely he would ask
9 for some assistance.

10 Q. Sure. You actually look kind of
11 buff. Do you work out with weights?

12 A. Yeah.

13 Q. Does the bosun work out?

14 A. Actually, on ship he was little
15 strong. Now he became little lean.

16 Q. Did you believe that the bosun was
17 capable of performing the tasks that you
18 assigned to him?

19 A. Yeah, sure.

20 Q. How long were you on the Dali
21 before you arrived at Panama?

22 A. Sorry. Please repeat your
23 question.

24 Q. Yeah. How long approximately, how
25 many days or weeks or months from the time

1 that you joined until you were in Panama?

2 A. I don't remember when we reached
3 Panama. I don't remember that date.

4 Q. Can you approximate for me? Was
5 it one day?

6 A. From the date I joined to Panama,
7 it's like -- it should be like maybe more
8 than one month.

9 Q. A little more than one month, but
10 less than two months. Can we agree on that?

11 A. We can agree on that.

12 Q. Okay. And the
13 windlass -- hydraulic brake on the windlass
14 was not used from the time that you joined
15 until you got to Panama, correct?

16 A. That's correct.

17 Q. Where in Panama, on which side of
18 the Panama Canal did you observe that the
19 windlass was used, the hydraulic brake --

20 A. Before crossing Panama Canal.

21 Q. Before crossing?

22 A. Yeah, correct.

23 Q. So on the pacific side?

24 A. That's correct.

25 Q. How did you first become aware

1 that the hydraulic brake on the windlass was
2 not operable?

3 A. So after dropping anchor, I went
4 for the breakfast, so during -- after like
5 one hour, more than one hour, captain told,
6 okay, go and standby forward for picking up
7 the anchor.

8 So I take -- I went to the bosun
9 and the OS, so I went forward, and the bosun
10 went and switched on the power, and he came
11 to the control station and he didn't receive
12 the power. So he told me and said I didn't
13 receive the power.

14 Q. So at that moment in time, it was
15 you, the bosun and an OS?

16 A. That's correct.

17 Q. Okay. And what happened next?

18 A. So I informed captain, said
19 power -- we were not receiving the power.
20 Please inform the engine room to come and
21 check it out.

22 Q. And who came to the bow at that
23 point?

24 A. So chief engineer and the
25 electrical officer.

1 Q. And was that Mr. Kariyawasam?

2 A. Please repeat.

3 Q. Do you know what the electrical
4 officer's name is?

5 A. Chaminda.

6 Q. Chaminda. And did you understand
7 him to be the electrical officer on the
8 vessel?

9 A. Yes.

10 Q. Did you believe him to be
11 qualified to be the electrical officer on the
12 vessel?

13 A. Yes, he's well qualified.

14 Q. Did anybody tell you while you
15 were on the vessel that he was not qualified
16 to be the --

17 A. No.

18 Q. Let me finish. At any point when
19 you were on the Dali, did anybody ever tell
20 you that he was not qualified to be the
21 electrical officer?

22 A. Yeah, nobody told like that.

23 Q. I saw from your qualifications,
24 you have many certifications.

25 A. Yes, that's correct.

1 Q. And what country have you received
2 your certifications from?

3 A. Okay. Apart from India, I went to
4 UK, United Kingdom, South Tyneside College,
5 which is in South Shields. So that I got my
6 second mate license. Then after I got my sea
7 series, again, I went to the same college,
8 and I got me chief mate license. And now I
9 applied to the same college for my master, so
10 -- but I didn't attend because since I stuck
11 here.

12 Q. And you understand that the Dali
13 flies under the Singapore flag?

14 A. That's correct.

15 Q. And has it been your experience
16 that when you received your qualifications
17 from the UK or India that you have to get a
18 certificate of competency from the MPA for
19 your qualifications?

20 A. That's correct. You have to get
21 the MPA flag license.

22 Q. Do you know whether the electrical
23 officer ever received any certificate of
24 competencies to serve as an electrical
25 officer on the Dali?

1 A. I'm not sure about of his
2 documents.

3 Q. That would not be something within
4 your area of expertise, correct?

5 A. That's correct.

6 Q. And that would not have been under
7 your command, correct?

8 A. That's correct.

9 Q. Would you agree, however, as the
10 safety officer that it's important that if we
11 have an electrical officer onboard that that
12 electrical officer should be qualified?

13 A. Yes, that's correct, but this
14 qualification will be checked from by the
15 company, so we don't -- qualified person,
16 they won't be -- unqualified person, they
17 won't be sending onboard.

18 Q. They shouldn't be sending anybody
19 onboard --

20 A. That's correct.

21 Q. Let me finish my question.

22 They shouldn't be sending anybody
23 onboard who is not qualified to be an
24 electrical officer, correct?

25 A. That's correct.

1 Q. And you rely on management to make
2 those decisions about who is qualified,
3 correct?

4 A. That's correct.

5 Q. All right. So to circle back
6 where we were, we are in Panama, and we are
7 dealing with this situation where the
8 hydraulic windlass was not operable, correct?

9 Is that yes?

10 A. That's correct.

11 Q. And it malfunctioned, right?

12 A. That's correct.

13 Q. And what does the word
14 "malfunction" mean to you? I want to make
15 sure that between our languages we
16 understand.

17 A. It's not working as per the
18 working procedure.

19 Q. It's not working like it should.

20 A. Yeah.

21 Q. Is that good?

22 A. Correct.

23 Q. So the chief engineer and Chaminda
24 come up, and what happens next?

25 A. Okay. They ask me what was the

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1 problem. Then I told him we were not
2 receiving the power. So they went inside the
3 bosun store, and while checking with the
4 panel and controlling it, and they were
5 checking with everything.

6 Q. And were they able to get it
7 operable?

8 A. Yes. Finally, they made it
9 operable --

10 Q. And --

11 A. -- but not the hydraulic system.
12 We used the other options to lower -- make it
13 operable.

14 Q. All right. Let me make sure I
15 understand the situation because I thought I
16 just heard you say to make it lower. I'm
17 speaking to you at this moment in time about
18 who was on the bow of the vessel when the
19 problem was recognized that the hydraulic
20 brake on the windlass was malfunctioning.

21 Okay?

22 A. Okay.

23 Q. At that moment in time, the anchor
24 had been paid out and was anchored up,
25 correct?

1 A. That's correct.

2 Q. And so the effort that was
3 underway at that moment in time was to
4 retrieve the chain and anchor, correct?

5 A. That's correct.

6 Q. And the hydraulic brake needs to
7 be released -- let me rephrase the question.

8 The brake has to be released to
9 retrieve the anchor and the chain, correct?

10 A. That's correct.

11 Q. And under normal circumstances, if
12 the hydraulic brake is not malfunctioning,
13 you would use the hydraulic brake to release
14 the brake, correct?

15 A. That's correct.

16 Q. In this case, that was
17 malfunctioning, and you could not use the
18 hydraulic brake to release the break,
19 correct?

20 A. That's correct.

21 Q. All right. So what was done at
22 that moment in time to attempt repairs on the
23 hydraulic brake?

24 A. I'm not sure what they were doing.
25 So they were checking with all the panels and

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1 everything to make sure that whether they can
2 receive the power. So, finally, they --
3 can't able to receive the power for the
4 hydraulic system to work, so they did
5 something, and they advised us to use the
6 manual wheel the release the brake.

7 Q. At that moment in time, was the
8 hydraulic brake able to be repaired?

9 A. I cannot give opinion on that
10 because it's up to the chief engineer in
11 order to close it. I don't have any
12 knowledge on that.

13 Q. I understand. And remember, that
14 may be one of these areas where you tell me I
15 don't know. Okay?

16 A. Yeah.

17 Q. You did not see the hydraulic
18 brake in Panama put in use to retrieve the
19 anchor and chain, correct?

20 A. Okay. Please repeat your
21 question.

22 Q. The anchor and chain had to be
23 retrieved by using the mechanical brake,
24 correct?

25 MR. BENNETT: Just note my

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1 objection.

2 A. Yeah, correct.

3 MR. WALKER: What's the

4 objection?

5 MR. BENNETT: It's to the form
6 of the question.

7 MR. WALKER: What's wrong with
8 the form?

9 MR. BENNETT: Because you're
10 talking about using a brake to
11 retrieve the anchor.

12 MR. WALKER: Thanks, Bill.

13 Appreciate it. We'll clear it up.

14 BY MR. WALKER:

15 Q. Kwinteen, am I correct that one of
16 the steps that has to be accomplished to
17 retrieve the chain and the anchor is to
18 release the brake?

19 A. That's correct.

20 Q. All right. And so did you
21 understand my question to be that in order to
22 retrieve the anchor and the chain you have to
23 release the brake, either hydraulically or
24 mechanically, correct?

25 A. Yeah.

1 Q. All right. And what you're
2 describing to me is that, in this particular
3 case, that step to retrieve the anchor and
4 the chain of releasing the brake had to be
5 done mechanically, correct?

6 A. If it is not working.

7 Q. If the hydraulic is
8 malfunctioning?

9 A. Malfunctioning.

10 Q. And that was the case in Panama,
11 correct?

12 A. That's correct.

13 Q. So the mechanical brake was used
14 in Panama as a step to retrieve the chain and
15 anchor, correct?

16 A. That's correct.

17 Q. Bosun told us that as this
18 circumstance was unfolding that the captain
19 also came to the bow.

20 Do you recall that?

21 A. That's correct.

22 Q. Tell me everyone that you can
23 recall who was on the vessel that, at that
24 moment in time when there was a meeting on
25 the bow, came and participated in that

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1 meeting?

2 A. So after reporting to bridge,
3 initially chief engineer and electrical
4 officer came. After that, captain came.
5 Then once everything rectified and we start
6 heaving, finally second engineer came.

7 Q. Who?

8 A. Second engineer.

9 Q. So I want to make sure I
10 understand everyone that was on the bow.
11 That would have included yourself, the bosun,
12 the OS, the captain, and the second engineer;
13 is that correct?

14 A. Second engineer, chief engineer,
15 electrical officer.

16 Q. And do you recall anyone at that
17 time calling shoreside management?

18 A. Yes, because we were -- chief
19 engineer was getting some advice from
20 captain, which he received from shore.

21 Q. And how do you know that?

22 A. Because he was calling chief
23 engineer. So chief engineer, since he's
24 working on the equipment, that he was unable
25 to reply to his walkie-talkie. So I was

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1 telling captain that chief engineer is
2 working on the equipment. So then he told
3 that someone in the phone on the shore said
4 he's giving advice, just ask him to listen.

5 Q. And were you able to overhear that
6 conversation?

7 A. Yeah, it was -- someone is getting
8 from the information from the shoreside and
9 telling on the radio, and chief engineer was
10 listening on the radio same time I was also
11 listening.

12 Q. And what did you hear? What was
13 the advice?

14 A. I don't remember much. It's
15 totally a technical terms, everything, so
16 that thing is making parallel -- some -- many
17 advices there. I can't recall that.

18 Q. And what happened next?

19 A. Finally, they weren't able to
20 rectify the hydraulic system, so they made
21 use of the manual brake to use. So they
22 got -- might be they might have isolated the
23 hydraulic system so that the manual brake can
24 be used.

25 Q. Once the manual brake was used,

1 and the anchor was able to be retrieved, what
2 do you remember next about any repairs or
3 maintenance on the hydraulic brake for the
4 port anchor windlass?

5 A. So after that, I had anchored with
6 the electrical officer, so what was the
7 status, so he told me send a message.

8 Q. You said he told me to send a
9 message to who?

10 A. He told me that he has sended the
11 message and some spare parts for the
12 electrician.

13 Q. The electrician told you he sent a
14 message?

15 A. We have sended a message he told
16 me, that means the whole engine room that he
17 included, so that means it should be the
18 chief engineer.

19 Q. And did you say where the message
20 was sent?

21 A. No, he didn't say about that.

22 Q. Did he ever tell you what kind of
23 response he received?

24 A. No, he didn't say that.

25 Q. As of the time between the time

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1 that we're talking about, which is retrieval
2 of the anchor in Panama, until the vessel
3 Dali came into contact with the Francis Scott
4 Key Bridge, to the best of your knowledge,
5 was the hydraulic windlass brake ever
6 repaired?

7 A. No.

8 Q. It was inoperable at the time that
9 Dali came into contact with the bridge,
10 correct?

11 A. Correct.

12 Q. Have you seen in the past, in your
13 experience, circumstances where equipment on
14 the Dali -- let me back up a little bit.
15 Okay?

16 Would you agree that the anchor
17 windlass is a critical piece of equipment on
18 the Dali?

19 A. Yes, you can say that.

20 Q. And would you agree that if the
21 operation of the windlass requires the
22 hydraulic brake to assist in its operation,
23 that it is also a piece of critical
24 equipment?

25 MR. BENNETT: Just note my

1 objection.

2 A. No, because we want to make
3 sure -- like we want to know that it's
4 critical equipment is -- can be used at all
5 times during normal operating procedure and
6 during the emergency procedure. So as long
7 as it can be used in both the procedures,
8 it's operable to us.

9 BY MR. WALKER:

10 Q. It's operable to you because you
11 have a mechanical brake available?

12 A. Available because it's not like
13 all the ship should have that hydraulic
14 system. So hydraulic system is extra options
15 to some of the ships. So if the windlass is
16 having a manual brake, and all the ships are
17 doing that and -- even though if there's a
18 critical equipment, and they have only the
19 manual brake, and I will say it is operable.
20 So for us it also saves. And, moreover, I
21 will say to the other ships with this status.

22 Q. What other ships have a hydraulic
23 brake that you were aware --

24 A. Without hydraulic brake, with only
25 manual brake.

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1 Q. So when you say a ship with this
2 status, you mean ships that use a mechanical
3 brake?

4 A. Yes, correct.

5 Q. What -- you did not mean ships
6 that have a hydraulic windlass that's broke
7 where they're required to use a mechanical --

8 A. That's correct.

9 Q. Okay. You don't know of any other
10 ships that have a hydraulic brake that was
11 broken and required people to use a
12 mechanical, correct?

13 A. Please repeat.

14 Q. Do you know of any vessels where
15 the hydraulic brake was malfunctioning, and
16 the crew was required to use the mechanical
17 brake?

18 A. No. That's what earlier I told
19 you, like long before, in one of the vessels,
20 I had seen this hydraulic system. It was not
21 operable, and people are using only the
22 manual brake for loading and heaving the
23 anchor.

24 Q. And you would agree with me that
25 if you are required to use the mechanical

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1 brake because the hydraulic brake is not
2 necessary that the mechanical brake must be
3 operable?

4 A. That's correct.

5 Q. And it has to be operable by the
6 people who were intended to use it, correct?

7 A. That's correct.

8 Q. In other words, if the bosun is
9 not physically capable of doing it, then you
10 would have to make changes to your policies
11 or procedures so that he would be capable of
12 using it, correct?

13 A. Please repeat your question.

14 Q. Sure. If the bosun is not able to
15 operate the mechanical brake by himself, then
16 you would agree with me that some policies or
17 practices or procedures would have to be
18 changed to add some additional personnel when
19 he is called upon to use it?

20 A. Yeah, if he feels unable to do
21 by -- if he don't know the procedure or
22 anything else or like any assistance needed,
23 then it should be as you say.

24 Q. And between Panama and Baltimore,
25 did the vessel Dali undertake any training

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1 exercises to have the crew manually
2 manipulate the brake to make sure that it was
3 free and operable with just one person?

4 A. Please repeat your question.

5 Q. Between Panama and March 26th, the
6 day that the Dali left, was there any
7 training exercises or drills that were
8 undertaken to assure that one person could
9 operate the mechanical brake?

10 A. This is the normal procedure in
11 all the ships to -- for example, to open a
12 valve. Everybody knows how to open a valve.

13 Q. But every mechanical brake is
14 different, right?

15 A. No. Every mechanical brake is the
16 same, just here to hold the wheel, and you
17 have to turn. So that's not required for any
18 special drill to open a wheel. It's a normal
19 basic procedure to open a wheel.

20 Q. It's the same piece of equipment,
21 but they're different, right? This one --
22 this piece is different than this piece --
23 even if they're the same piece of equipment,
24 this one is different from this one, right?

25 A. No.

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1 MR. BENNETT: Just note my
2 objection.

3 You can answer.

4 A. Related to the windlass, it's
5 going to be the same procedure in all the
6 ships.

7 BY MR. WALKER:

8 Q. I understand the procedure, sir.
9 What I'm asking is, the mechanical brake that
10 is on the Dali, even if it's the same make
11 and model, is a different physical mechanical
12 brake from one on another ship even if it's
13 the same make and model, correct?

14 A. No, it would be same because it's
15 going to be the same wheel. In all the
16 ships, you're going to turn the wheel
17 anticlockwise, open; clockwise closed. So
18 it's not going to be different. In different
19 ships are different make and model.

20 Q. I don't think we're speaking the
21 same issue. Let me ask you this.

22 If you have the same exact make
23 and model mechanical brake on three ships,
24 one is one year old and one is ten years old,
25 the same procedure, right?

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1 A. Yeah, correct.

2 Q. Okay. But one may be older and
3 rusty and hard to move, and one may be brand
4 new and opens easily, right?

5 A. Yeah, correct.

6 Q. Do you agree on that?

7 A. Yeah, I do.

8 Q. Okay. And it depends on how easy
9 or hard it is to operate on how it is
10 maintained and how -- and how often it is
11 used, correct?

12 A. Yeah, correct.

13 Q. Those types of pieces of
14 equipment, when you don't use them regularly,
15 can be hard to operate, correct?

16 A. Yeah, correct.

17 Q. Okay. So what I'm asking you is,
18 this piece of equipment, prior to Panama,
19 would not normally have been used, correct?

20 A. Yeah, correct.

21 MR. BENNETT: Just note my
22 objection.

23 BY MR. WALKER:

24 Q. Prior to Panama, what would
25 normally be used is the hydraulic brake,

55

1 correct?

2 A. Yeah, correct.

3 Q. But now, after Panama, you're

4 required to use the mechanical brake,

5 correct?

6 A. Yeah, correct.

7 Q. My question to you was, were there
8 any training exercises that occurred or
9 drills that occurred between Panama and the
10 time when the Dali hit the bridge to exercise
11 and move the mechanical brake?

12 A. That's where we do the
13 maintenance. So if the maintenance is
14 carried out regularly, it's going to be free
15 all the time. Apart from this, after the
16 malfunctioning of the hydraulic system, if
17 there's any problem involved in that
18 mechanical system, then we would have done
19 that.

20 Since the mechanical wheel is free
21 to open and close compared -- like same as
22 the other ships, which doesn't need any extra
23 recentering. Suppose if there's any problem
24 involved in that mechanical wheel, then we
25 should have -- give the crew -- like we

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1 should standby two crew. We should involve
2 the two crew for that -- for the wheel
3 operation.

4 Q. I appreciate that. I think you're
5 talking in general terms. My question is
6 very specific.

7 A. Yeah, in this --

8 Q. Between Panama and the time that
9 the Dali hit the bridge, were there any
10 drills or training exercises where members of
11 the crew went to the bow and manipulated the
12 mechanical brake?

13 A. Okay. So answer to your question
14 is like drills and training was not carried
15 out because it was not required for that
16 equipment.

17 Q. Who said it was not required? Is
18 that your decision?

19 A. My opinion -- since its operation
20 was like normal, so in my opinion, it was not
21 required. Apart from that, if somebody said
22 to carry out, then I would carry out.

23 Q. How many people were required in
24 Panama to release the mechanical brake when
25 the hydraulic brake didn't work?

1 A. We didn't use the mechanical brake
2 to release the anchor. We used the hydraulic
3 brake to release the anchor.

4 Q. I'm sorry. How many people in
5 Panama were required to release the
6 mechanical brake in order to retrieve the
7 chain and anchor?

8 A. Okay. That time we had so many
9 people standby. So at the same time bosun or
10 OS also were there. So when bosun was
11 opening the brake, OS also help him.

12 Q. How many people?

13 A. It's two people.

14 Q. How many times was the mechanical
15 brake operated between Panama and the time
16 that the Dali hit the bridge? You just told
17 me once in Panama, correct? How many more
18 times was that mechanical brake ever operated
19 between Panama and the time the Dali hit the
20 bridge?

21 A. So after Panama, with we dropped
22 the anchor in Baltimore before lifting.

23 Q. Were you present when the anchor
24 was dropped?

25 A. Yes, that's correct.

1 Q. How many people assisted in
2 opening the mechanical brake when the anchor
3 was dropped?

4 A. So for anchor station, we used to
5 go three people, myself, bosun, and OS. So
6 bosun will be on the brake, and OS will be
7 nearby the chain, who used to count the
8 shackle, and I will be near the ship side to
9 check the cable leading.

10 So when I got the command to
11 release the anchor, I informed bosun to open
12 the brake, so he started opening the brake.
13 So since OS is standing nearby, he's not --
14 he don't understand simply, so he go and help
15 the bosun.

16 Q. How many people --

17 A. So two persons opened the brake.
18 It doesn't mean that two person needs to be
19 open. Since the other guy was standing,
20 simply he just went to help the bosun.

21 Q. Was the mechanical brake ever
22 opened other than the two occasions that
23 you've told me about between the time that
24 the incident in Panama occurred and the time
25 that the Dali hit the bridge?

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1 A. Please repeat your question.

2 Q. Was the mechanical brake opened
3 again to retrieve the anchor after it was
4 dropped in Baltimore?

5 A. Yes.

6 Q. Who was present when that was
7 done?

8 A. Same team.

9 Q. How many people assisted in
10 opening the mechanical brake when it was open
11 to retrieve the anchor?

12 A. Should be the same two people
13 because three of them are going for station.
14 Same two people would be doing that. It's
15 not like one person simply stands. So the
16 other people are always helping the bosun.

17 Q. And the bosun indicated to us when
18 we talked to him that there's a tool that is
19 sometimes used called an F key; is that
20 correct?

21 A. That's correct.

22 Q. Did you see F key used in Panama
23 and Baltimore?

24 A. No, we didn't use the F key.

25 Q. So the three occasions that we

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1 talked about so far, once in Panama and twice
2 in Baltimore, you did not see the F key used?

3 A. We didn't use the F key.

4 Q. But you had two people, correct?

5 A. Yeah, two people.

6 Q. What does the F key look like?

7 A. The F key looks like in the F
8 shape.

9 Q. And I guess, specifically, my
10 question is, how long is the arm on the F
11 key?

12 A. Should be around one feet or
13 something.

14 Q. One foot long?

15 A. Yeah, one foot.

16 Q. Okay. You're a physics major,
17 right?

18 A. Yeah.

19 Q. So the longer the arm, the more
20 leverage you get, right?

21 A. That's correct.

22 Q. Okay. In this case, the F key is
23 about one foot long?

24 A. Yeah, correct.

25 Q. Were any -- did anybody from

1 management ever contact you about
2 recommendations for training, drills, or any
3 other kind of maintenance associated with the
4 hydraulic brake between Panama and the time
5 that the ship came into contact with the
6 bridge?

7 A. I can't recall. As far as I
8 remember, I don't think so, I didn't receive.
9 I didn't receive, as far as I remember.

10 Q. As far as you can recall, no one
11 contacted you and talked with you about any
12 safety issues associated with the mechanical
13 brake or hydraulic brake on the windlass,
14 correct?

15 A. That's correct.

16 Q. If management had made
17 recommendations to you relating to how to
18 operate the mechanical brake, would you have
19 followed them?

20 A. Yeah, a hundred percent.

21 Q. How many people were on the bow of
22 the vessel at the time the first blackout
23 occurred?

24 A. On 26th during blackout -- during
25 blackout? I don't -- I cannot -- I don't

1 remember. I don't know that because when I
2 left forward, it was two person. During
3 blackout, how many person was there, I don't
4 know.

5 Q. Let me back up and make sure we
6 covered all the bases here between Panama and
7 Baltimore.

8 Have you told me about every
9 circumstance between Panama and the moment
10 that the Dali hit the bridge when the
11 mechanical brake was operated or manipulated
12 in any way?

13 A. Manipulated?

14 Q. Yeah, moved, you know, somebody
15 moved it.

16 A. Yes, in Baltimore, we dropped the
17 anchor with the mechanical brake.

18 Q. What about Norfolk?

19 A. Norfolk we didn't anchor.

20 Q. So is it fair to say that there
21 was the incident you've told us about in
22 Panama, correct? Yes?

23 A. Yes, correct.

24 Q. And then it was the mechanical
25 brake would have been manipulated twice in

1 Baltimore, correct?

2 A. Yes, correct.

3 Q. No other occasions, correct?

4 A. Twice it's like -- it's not only
5 twice it has been used because, before anchor
6 station, we go and check up -- he put the --
7 bosun will put the gear and the windlass. He
8 opened the brake. Then he closed the brake.

9 So during that operation, it could be a
10 number of times.

11 Q. During what operation?

12 A. During anchor station, like before
13 dropping anchor, he tried the windlass, he
14 engaged the gear, so he opens the brake. So
15 after engage the gear also, he keep the brake
16 like half closed. So once received the
17 comment, then you open the brake, then we
18 lower the anchor with the electric motor.

19 Then after the anchor is dropped,
20 then again we close the brake, then we
21 disengage the gear, then we go for picking up
22 the anchor. Again, we disengage the gear.
23 Again, we open the brake. So it could be a
24 number of times during one operation.

25 Q. Did I understand that what you

1 just described to me is that when you are
2 called upon to standby to use the anchor --

3 A. Yes.

4 Q. -- that you begin to manipulate
5 the brake so that it is loose or loosened or
6 started before you actually open it all the
7 way?

8 A. Yes, after disengaging the gear,
9 we will open the brake.

10 Q. And is that the practice or policy
11 when you're on departure as well to begin
12 manipulating the mechanical brake so that you
13 don't have to start from complete lock?

14 A. No. During departure, we don't do
15 that. Only during anchor station we do that.

16 Q. And why do you do that?

17 A. I didn't understand your question.
18 During -- you're telling that to make a crack
19 open and keep -- that's what you're telling,
20 right? During the operation.

21 Q. It sounds like what you were
22 describing to me is that during anchoring
23 operations, normal nonemergency anchoring
24 operations --

25 A. That's correct.

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1 Q. -- if you're on standby on the
2 bow --

3 A. Yeah.

4 Q. -- and you expect to be asked to
5 drop the anchor, that the crew, whoever is
6 there, the bosun or whoever is assisting him,
7 will begin breaking the wheel on the
8 mechanical brake, but they keep it so that
9 the anchor does not drop. Is that correct?

10 MR. DUFFY: I'm going to object.

11 That's not what he's trying to say.

12 A. Anchor can be lowered by walk back
13 and let go. So that day we did walk back.
14 So for that reason, we engaged the gear, and
15 he opened the brake. He didn't try out the
16 brake before loading the anchor.

17 BY MR. WALKER:

18 Q. Is there any policy or practice
19 among the bosun or the crew to crack open and
20 move the mechanical brake before you start
21 the process of dropping the anchor?

22 A. No, there's no policy. There's no
23 procedure to keep it like that.

24 Q. Okay. So to be clear, you don't
25 start to move that wheel until you get a

1 command to drop the anchor?

2 A. That's correct.

3 Q. Have you told me about all of the
4 circumstances between Panama and March 26th
5 when the mechanical brake was operated? It
6 was the three occasions you've described to
7 me, correct?

8 A. Please repeat your question.

9 Q. Have you told me about all of the
10 occasions between Panama and March 26th, when
11 the Dali left its berth, before it hit the
12 bridge, when the mechanical brake was
13 operated?

14 A. Yes, I have told you, which is in
15 Panama and Baltimore. In between, we didn't
16 use.

17 Q. And I understand that on each
18 occasion there may be different moments in
19 time when its operated or moved.

20 A. That's correct. While in
21 Baltimore, it's like not only two times we
22 used that. It has number of times in one
23 operation.

24 Q. And is it fair to say that there
25 are occasions when it's operated after it's

1 been cracked open for the first time?

2 A. No, I didn't get that.

3 Q. So when you start with the
4 mechanical brake, it's fully locked, correct?

5 A. Correct.

6 Q. When you bring the anchor in and
7 you're done using the mechanical brake, does
8 your crew use the F key the make it tight?

9 A. No, no. We don't use the F key
10 the make it tight.

11 Q. You do that by hand?

12 A. Yeah.

13 Q. How many --

14 (Simultaneous unreportable crosstalk.)

15 BY MR. WALKER:

16 Q. Go ahead.

17 A. We used to tight the brake with
18 manpower so that it will be easy for him to
19 open with the manpower. If he used the F key
20 to tight the brake, then we need an F key the
21 open it also.

22 Q. So you shouldn't need the F key to
23 open it, correct?

24 A. Yes, if you close with manpower.

25 Q. Am I correct you should not need

1 the F key?

2 A. It depends upon the person who was
3 operating.

4 Q. And in your experience, was the
5 bosun on the Dali capable of operating the
6 mechanical brake without the F key?

7 A. Yes. In my opinion, I can say
8 that.

9 Q. So he told us that when he was
10 called upon to operate the mechanical brake
11 to drop the anchor, he needed the F key. Why
12 would that be?

13 A. He said that he need an F key to
14 open the brake?

15 Q. He told us he used an F key, and
16 he couldn't even get it open by himself. He
17 needed someone else to help him get it open
18 with the F key.

19 MR. BENNETT: Just note my
20 objection. That was not his
21 testimony.

22 A. It could be the different
23 situations. Might be it's because it was a
24 cold climate on that day, and the metal could
25 have been like a little tight because the

1 spindle has the grease and, you know, the
2 cold climate, the metal expands, so it could
3 have caused him to -- difficult to open, so
4 he used the F key.

5 BY MR. WALKER:

6 Q. But the last time it was used was
7 in Baltimore, right?

8 A. Yeah, during the daytime.

9 Q. In the same jurisdiction, right?

10 A. Yeah, that's correct.

11 Q. Do you recall what the
12 temperatures were?

13 A. I can't recall, but it was done in
14 the morning time, daytime. It's good
15 sunlight. And the incident was during the
16 nighttime.

17 Q. When was the anchor dropped in
18 Baltimore the first time? What time of day?

19 A. It's morning time.

20 Q. What time?

21 A. I can't recall the time, but it
22 should be after 8:00, I think so.

23 Q. 8:00 a.m.?

24 A. Yeah, after 8:00 a.m. because --
25 correct. After my watch, I went forward to

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1 drop anchor.

2 Q. So is it your experience that the
3 temperature changes can have a drastic effect
4 on the ability to open and close a mechanical
5 brake?

6 MR. BENNETT: Just note my
7 objection.

8 A. Actually, it won't be, but it -- I
9 could say it won't be, but because that
10 doesn't affect that much because the
11 spindle -- that's -- the spindle have like --
12 the grooving on the spindle is like deep, so
13 that won't affect that cold climate to get
14 the spindle to get hard.

15 BY MR. WALKER:

16 Q. So if it wasn't the weather, then
17 can you help us understand, based on your
18 experience, why the bosun needed an F key to
19 attempt or start to open the mechanical
20 brake?

21 A. Okay. So after -- when we close
22 the brake -- same like if you have this water
23 bottle. I closed this bottle, right? So,
24 initially, if I closed it tight, so if I want
25 to open, sometimes it could be like little

1 tight. So if -- since the F key is nearby,
2 he could use the F key and give it a kick,
3 like quick kick, and after that he can open
4 it.

5 So instead he's putting the full
6 power to get the wheel open. The F key will
7 need only 50 percent power to open. So he
8 put the F key and open, and then he started
9 opening. That is the thing he would have
10 done.

11 Q. And what you're describing to me
12 is using the F key to make it easier, right?

13 A. Yeah, that's correct.

14 Q. And, in your experience, when you
15 put the F key on, it should be lickety-split,
16 right?

17 MR. BENNETT: Just note my
18 objection.

19 A. Yes.

20 MR. BENNETT: You can answer.

21 BY MR. WALKER:

22 Q. Is that your experience?

23 A. Yeah, when the thing is like tied
24 to the F key is always used for that purpose.

25 Q. In your experience, when you use

1 the F key, does it make it very easy to open
2 it?

3 A. Yes, by using the two-hand man
4 cover to open a like big wheel and using the
5 F key, the difference in power change.

6 Q. Were you aware that the bosun --
7 since the incident, since the Dali hit the
8 bridge, have you ever become aware that the
9 bosun was alone on the bow? I'm sorry. Let
10 me finish the question out.

11 Were you aware that the bosun was
12 alone on the bow was he asked to drop the
13 anchor?

14 MR. BENNETT: When?

15 BY MR. WALKER:

16 Q. Were you aware that at that time
17 the bosun was asked to drop the anchor at the
18 time of the incident during the blackouts
19 that he was alone on the bow?

20 A. No, I don't know because I was in
21 the cabin, and I don't know what the going on
22 at that time.

23 Q. Have you ever become aware of
24 that? After the incident, did the bosun tell
25 you that when was he asked the drop the

1 anchor, he was alone?

2 A. Yeah, after incident, bosun told
3 the story what's happened.

4 Q. Okay. And what did he tell you
5 about his attempts to open the mechanical
6 brake?

7 A. He told me that, like, he was
8 asked to drop anchor, so he used the F key to
9 turn for like first to half turn. Then he
10 started opening, and then the other AB came
11 and just help him.

12 Q. Did he tell you anything else?

13 A. Later too?

14 Q. That issue about opening the --

15 A. Yeah, he told that -- initially,
16 used the F key for the crack open. Then he
17 started opening by hand. Then the other AB
18 came and opened, so the other AB, after
19 opening the anchor, went down, then the other
20 AB and bosun just ran down below.

21 Q. Do you know where the other AB
22 came from?

23 A. He should be nearby the
24 accommodation. I think so.

25 Q. Aft, right?

1 A. Yeah, aft.

2 Q. Almost, what, 250 meters away?

3 A. Accommodation is like maybe 125,
4 135, something.

5 Q. 135 from where?

6 A. From forward, approximately 1 --
7 because I just remember in the -- on the
8 bridge we have the diagrams. So seeing
9 that only. I'm not sure of it.

10 Q. Did the bosun ever tell you that
11 he had trouble opening the mechanical brake?

12 A. He didn't say anything about the
13 trouble in the mechanical brake. But yes, he
14 told that like the -- like, he was telling
15 the second officer that you people telling
16 me, one man, one man. Then second officer
17 told him, like, all ship we used to keep one
18 man. He told me no, no, I wanted two men.
19 He was speaking like that. The conversation
20 is going in between.

21 So during that time, I told bosun,
22 you are the bosun on the deck, so you use the
23 manpower for whatever job for whatever
24 manpower you need. So nobody is going to,
25 like, say how to do the job. You do your

1 job. Nobody is like teaching you how to do
2 the job. So if you want to -- if somebody
3 asked you to do that job, you're the take
4 care of that job with how many manpower you
5 need.

6 Q. So you left it up to the bosun to
7 determine how many manpower he needed on the
8 bow?

9 A. Yeah, that's a normal practice.
10 Like, if you leave it up to the bosun, he'll
11 make decision for how many people he need,
12 the person for that job. So I won't tell him
13 that only two people should do this job like
14 that. It depends on his experience and based
15 on that job whether which men needed, how
16 many men needed, he'll decide that.

17 Q. And I just want to make sure I
18 understand what you're telling me that the
19 bosun being alone on the bow at a time when
20 the anchor was to be ready to be dropped, the
21 decision about whether he was alone or not
22 was the bosun's, right?

23 A. Yes, that's correct. The decision
24 is based with the bosun.

25 Q. And between the time that dockside

1 management became aware that the hydraulic
2 brake was malfunctioning and the time that
3 the bosun made the decision to be alone on
4 the bow, no one from management ever gave any
5 recommendations on how many people should be
6 present on the bow, correct?

7 A. Yes, nobody given the
8 recommendation to him. But what I told now,
9 like, bosun, if you need two men, three men,
10 four men, you can keep whatever men to
11 standby on the forward. That advice has been
12 given to the bosun.

13 Q. The question that I had asked you
14 a moment ago, and I apologize, but I don't
15 think you answered it, was, did -- during
16 your discussions with the bosun after
17 incident, did he ever tell you in any way, in
18 any words, that led you to believe that he
19 had trouble opening the mechanical brake by
20 himself?

21 MR. BENNETT: Just note my
22 objection. Asked and answered.

23 A. Please repeat the question.

24 BY MR. WALKER:

25 Q. Did the bosun ever tell you after

1 the incident in any words that led you to
2 believe that he had trouble opening the
3 mechanical brake by himself?

4 A. No. He didn't say anything
5 related to the brake like he had trouble.

6 Q. As you sit here today, do you have
7 any idea whether there was a delay in
8 dropping the anchor between the time that the
9 master called for the bosun to drop it and
10 the time that it was actually dropped?

11 A. I heard the VDR when I was
12 onboard. It's like long before, so now I
13 can't recall whether it had a delay or not,
14 but I heard the VDR.

15 Q. You heard the VDR?

16 A. Yeah, when I was onboard.

17 Q. So, again, just to be clear, do
18 you have -- are you aware of any information
19 that would indicate whether there was or
20 there was not a delay between the time that
21 the master asked for the anchor to be dropped
22 and when it was actually dropped?

23 A. Yes, I'm aware like that must have
24 been a little delay because still I'm not a
25 hundred percent sure on that.

1 Q. But there might be?

2 A. There might be. Like, I heard the
3 VDR like long before. I cannot recall that
4 now.

5 Q. Apart from the VDR, have you ever
6 become aware of any information that the
7 bosun may have had trouble opening the
8 mechanical brake when he was called upon to
9 drop the anchor?

10 A. When he told things what happened
11 in the forward, so as for his story, he told
12 me that once captain told to drop anchor, he
13 immediately started opening, and the anchor
14 went down. That's what he told me. And
15 apart from that, he started opening the F
16 key, and he made two, three turns, and then
17 the AB came and helped him.

18 So as per his story, it was like
19 once the master come to drop the anchor, he
20 dropped it. So after that, he started doing
21 whatever he has to.

22 Q. Did you understand from the
23 conversation that the bosun had with you
24 that, from the time that he started to open
25 the mechanical brake, he was making that

1 brake move until be got assistance from
2 someone that came to help?

3 A. That's correct. Told that he
4 already made two, three turns.

5 Q. So as you understand this, when
6 the anchor was called to be dropped, he would
7 have started turning the handle, right, the
8 wheel?

9 A. Yeah, once he got the comment, he
10 would have started opening.

11 Q. Are you aware of any information
12 that there was a directive from the PA, the
13 public announcement on the ship, or on
14 radios, handheld radios, for assistance to
15 the bosun to go to forward to help him?

16 A. No. In the PA system, what I
17 heard is like chief officer go forward, chief
18 officer go. That's what I heard.

19 Q. Do you know why you were asked to
20 go forward?

21 A. Yeah, it was for the anchor.
22 Because I know if when blackout happens in
23 restricted or congested water or in coastal,
24 my duty is to run forward.

25 Q. Do you know -- do you know -- do

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1 you have any firsthand information about
2 whether the command to go forward was just
3 because the anchor was being asked to be
4 ready or whether because the bosun at that
5 time needed help?

6 A. No. As per the -- the PA system
7 said that chief officer go forward. So
8 before that, I know I have to go forward, so
9 I was about to wear my overall and taking my
10 radio. I was about to run, so I got the PA
11 system, so I know I have to go forward.

12 Q. You were not on the bridge when
13 the blackouts occurred, correct?

14 A. That's correct.

15 Q. You were in your cabin, right?

16 A. That's correct.

17 Q. All right. And were you able to
18 hear the walkie-talkie communications between
19 the bosun and the bridge?

20 A. Until when I was in the ship's
21 office, my radio was on. So once I went to
22 the mess room and cabin, I switched off my
23 radio.

24 Q. Should be a simple yes or no.

25 Were you able to hear the

1 communication --

2 A. My radio was --

3 Q. Were you able to hear the
4 communications on the walkie-talkie between
5 the bosun and the bridge?

6 A. Yes, if my radio is on, I would
7 have heard.

8 Q. Was your radio on?

9 A. No, it's not on.

10 Q. So is the answer, no, you did not
11 hear those communications?

12 A. That's correct.

13 Q. All right. Again, if you just --
14 it won't take as long if you answer my
15 questions. Okay?

16 A. Yeah, okay.

17 Q. Okay. So you don't know what
18 communications occurred between the and bosun
19 and the bridge at the point he was asked to
20 drop the anchor, correct?

21 A. That's correct.

22 Q. All right. And you don't know if
23 the reason why you were asked to go forward
24 was because he was having trouble or not,
25 correct?

1 A. Yeah, that's correct.

2 Q. All right. And the person who
3 would best know about that would be the
4 bosun, right?

5 A. Yeah, that's correct.

6 Q. If the person who came from aft to
7 help the bosun was coming in response to the
8 bosun's asking for help, how long do you
9 think it would take someone to go from the
10 aft house where the person was to where the
11 bosun was?

12 MR. BENNETT: Just note my
13 objection.

14 A. So I can't say how much time it
15 will take. It depends upon the bosun whether
16 he's running or like a fast walk or
17 something.

18 BY MR. WALKER:

19 Q. What you described to me -- and so
20 -- I'm sorry, just to get an answer on that.

21 So, in this circumstance, should
22 anybody be walking?

23 A. No. It's should be like -- he
24 should be running, but it's not like -- like
25 for -- he should not run like a 100-meter

1 runner on the deck. He could --

2 Q. Get hurt?

3 A. He will get hurt. If he slips
4 down, he will get hurt.

5 Q. So you have to move at a safe
6 pace?

7 A. Safe pace like a fast walk or
8 something.

9 Q. Understood. So can you estimate
10 for me how long it would take you to go from
11 that location to the bow if you're moving at
12 a safe pace at night with no lights on
13 because there's a blackout?

14 A. Maybe -- I can't say that.

15 Q. Can you estimate for me?

16 A. Maybe less than a minute.

17 Q. More than one second?

18 A. Yeah, of course.

19 Q. Less than three minutes?

20 A. Yes, of course.

21 Q. Can you do any better than that?

22 A. Yes.

23 Q. Do your best for me.

24 A. That's what I told you.

25 Q. Less than one minute could be

1 zero, right?

2 MR. BENNETT: He said

3 30 seconds.

4 MR. WALKER: Oh, I didn't hear

5 that. I'm sorry.

6 BY MR. WALKER:

7 Q. Did you say 30 seconds from the
8 aft where the -- you believe the person came
9 from to the front of the boat, front of the
10 bow, 30 seconds?

11 A. It could be 30 seconds you can
12 make it because --

13 Q. And that's you, correct?

14 A. Three-car hold, yeah, it
15 could -- we can make it.

16 Q. 30 seconds?

17 A. Yeah, we can make that.

18 Q. For you, correct?

19 A. I never tried it. I don't know
20 how it going to be. As you say, it was dark
21 and everything. So, possibly, I can make it.

22 Q. Okay. So I just want to make sure
23 I understand. What you're saying is you can
24 go 125 meters in 30 seconds, right?

25 A. No, I'm not saying that. Like --

1 Q. You play in the NFL at that point,
2 right?

3 A. That's what I'm telling that I'm
4 not sure -- a hundred percent sure on that,
5 but it could be possible 30 seconds. If
6 someone can do it, then I can do it.

7 Q. Okay. Can you run 125 meters in
8 30 seconds?

9 A. No, I never tried it.

10 MR. BENNETT: You're asking him
11 to make an estimate. You're being
12 unfair right now.

13 MR. WALKER: I understand.

14 A. Really, I cannot --

15 BY MR. WALKER:

16 Q. I understand. You can't estimate;
17 is that fair?

18 A. Correct.

19 Q. All right. The way you described
20 the use of the F key earlier was that once
21 someone puts the F key on the mechanical
22 brake, your experience is that it cracks it
23 loose and that brake is able to be opened at
24 that point, correct?

25 A. That's correct.

1 Q. So if the mechanical brake is
2 operable and working like it should and is
3 not stuck, once you break that with the F
4 key, how long should it take to open the
5 brake so that the anchor starts to drop?

6 A. It depends on the number of turns
7 he's opening.

8 Q. Once you break that, though, it
9 should move easily, right?

10 A. Yes, after one or two turns, it
11 should move very easily.

12 Q. Okay. How long should it take
13 using the F key to break it one or two turns,
14 just for that part of it?

15 A. The F key is always nearby the
16 wheel, so he take the F key and open. Should
17 be less than ten seconds.

18 Q. And then, from there, it should be
19 easy to move that wheel, right?

20 A. Yes.

21 Q. And then we're spinning it until
22 the anchor starts to drop, right?

23 A. Yes.

24 Q. How long does that take from the
25 -- after the ten seconds now that the wheel

1 is moving quickly, how long until the anchor
2 starts to move?

3 A. The timings I cannot say, like,
4 it's -- how long it will go -- like, I can
5 say like after, like, the six or seven turns,
6 the anchor will go. But I do not follow
7 within how many minutes or how many seconds
8 he opened that.

9 Q. So just to be fair, you cannot
10 estimate for me -- in an emergency situation
11 where you're doing your best effort to open
12 it as quickly as possible -- you cannot give
13 me an estimate on how long that would take?

14 A. Less than a minute.

15 Q. Less than a minute to go from the
16 point that you have cracked it and that thing
17 is spinning good or the whole -- a minute
18 from the time that you start until the anchor
19 starts?

20 A. Yes, we can say that less than a
21 minute.

22 Q. Were you aware that from the time
23 that the bosun started cracking the handle
24 with the F key that he was still using the F
25 key and trying to open the handle to get it

1 to move freely until the person ran from aft
2 to help him?

3 A. You're asking me that -- whether
4 he did that?

5 Q. Were you aware of that?

6 A. No, I'm not aware of that.

7 Q. You never got that level of detail
8 from the bosun?

9 A. Bosun, correct. He just gave a
10 shot.

11 Q. Do you know who came to the bow to
12 assist the bosun?

13 A. Yeah, it's the AB named Shiju.

14 Q. Did you ever speak to Shiju about
15 where he came from and what he did when he
16 got to the bow?

17 A. He told me that he came from the
18 aft, and he said that, when I went to the
19 bow, bosun was opening, and I opened the
20 brake. Then I pulled the bosun from that
21 area, and then we came down.

22 Q. Is that everything he told you?

23 A. Yeah.

24 Q. Let me rephrase. What I'm trying
25 to understand is the full scope of everything

1 that you discussed with Shiju. Okay? And I
2 appreciate what you've told me. And what I'm
3 asking now is, is that everything or was
4 there more?

5 A. No. In short, he told, I ask him
6 what happened. He told, I just went and
7 opened the brake, and bosun was standing
8 nearby the brake, and I just saw the bridge.
9 Bosun was not seeing the bridge, so I told
10 the bosun, come down, come down, and he told
11 and went down.

12 Q. Did he describe to you what stage
13 of the opening the brake they were in or the
14 bosun was in at the time that Shiju arrived?

15 A. No, he didn't mention that.

16 Q. Did he mention to you at all
17 whether the bosun was still using the F key
18 or whether he was done using the F key?

19 A. No, he didn't mention that.

20 Q. What hours did you work on
21 March 25th and March 26th?

22 A. Normally, port -- if there is no
23 departure, like only the port work is going
24 on from morning to evening, 1900, I would be
25 on like ship's office or I will be doing some

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1 other inspections. So in between, if I take
2 a break and someone wants me, then I will
3 come back again.

4 Q. All right. Let me make sure I
5 understand. What time did you come on duty
6 on March 25th?

7 A. 0800.

8 Q. And what time did you go off duty?

9 A. On 25th, I went around 1300.

10 Q. And did you come back on duty on
11 the 25th again after 1300?

12 A. Yes, but I don't know the time.
13 On 25th, after we had that blackout, so after
14 that checking all the things, I was in the
15 ship's office for sometime. Then I went for
16 dinner, and then I came back.

17 Q. What time did the blackout occur
18 on the 25th?

19 A. I don't remember the time.

20 Q. Do you remember how many blackouts
21 there were?

22 A. No. I don't remember.

23 Q. Where were you when the blackout
24 occurred on March 25th?

25 A. I was in the cabin.

1 Q. What were you doing?

2 A. What I was doing? I must be
3 sitting on my laptop or something.

4 Q. Relaxing?

5 A. Relaxing, correct.

6 Q. You were not working?

7 A. No. Like in port, I will be
8 always with the volume -- my radio would be
9 always like little sound because I should
10 keep monitoring what's going on. That kind
11 of thing.

12 Q. Chief, I'm not suggesting you were
13 not paying attention. I'm just asking if you
14 were -- were you doing paperwork or work for
15 which you were compensated during that time?

16 A. No, I was not like doing exactly
17 the work.

18 Q. Okay. How many vessels have you
19 been on in the past when you experienced a
20 blackout?

21 A. Like long before in one of the
22 vessels I have experienced.

23 Q. Just once?

24 A. Like when I was like -- when I was
25 in the training time, I have experienced

1 some. When -- after when I became officer, I
2 have experienced one or two ships.

3 Q. And I'm not talking about training
4 exercises where there may have been a
5 blackout put in place to teach you a lesson
6 about what to do?

7 A. No, training means when I was
8 training onboard, as a trainee seaman.

9 Q. All right. So that would have
10 been at the very beginning of your career?

11 A. Yeah, correct.

12 Q. All right. But total, from the
13 time that you became a mariner until
14 March 24th, the day before the first
15 blackouts, how many blackouts did you
16 experience in your career?

17 A. I cannot exactly say how many
18 times, but few times I can say.

19 Q. Is it more than one?

20 A. Yeah, more than one. You can say
21 more than two also.

22 Q. Less than ten?

23 A. Yeah, of course, less than ten.

24 Q. Less than five?

25 A. Yeah, it might be less than five.

1 Q. Okay. I get the sense from
2 talking to people doing depositions in this
3 case that people feel a blackout because
4 there's quiet, which is different than normal
5 on a vessel.

6 Is that fair to say?

7 A. Yeah, it's depends upon the type,
8 like design type of vessel because sometimes
9 the accomodation would be in the aft
10 -- sorry, the engine room would be in the
11 aft. So even if there's a blackout, you
12 don't feel anything.

13 And, secondly, if you're in a cold
14 climate, your blower -- you would be closing
15 the blower. So even if you have a blackout,
16 the blower sound -- before blackout also, you
17 won't be having the blower sound. The only
18 thing you can fee is by light.

19 Q. And how about in this case for the
20 Dali? Where were your cabin quarters in
21 relation to the engine room?

22 A. Yeah, that accommodation and the
23 cabin -- engine room, it's like very far. So
24 even when you have full-speed sailing, you
25 won't feel the engine.

1 Q. So what did you observe or feel or
2 sense that caused you to believe there may
3 have been a blackout?

4 A. It's interrupt of the power, light
5 power.

6 Q. And were you on your laptop and
7 lose the Internet as well?

8 A. No, no. We don't have -- I don't
9 use my Internet on my laptop onboard because
10 onboard we have that restricted data. So if
11 you put it on the laptop, within ten minutes
12 you will finish your data.

13 Q. So we were asking about hours when
14 -- and what you worked on that day. Do you
15 recall what time of day that first blackout
16 occurred?

17 A. I don't remember the time.

18 Q. Was it after 1300, after you went
19 off --

20 A. Sure, sure. After 1300.

21 Q. Okay. And then I'm not asking you
22 yet what you did as a -- because of the
23 blackout. I'm just asking, generally, how
24 many hours or minutes approximately did you
25 have to work because of the blackout? For

1 the things that you did during that time to
2 go to the bridge and others, how long did
3 that last?

4 A. It would be around less than an
5 hour.

6 Q. And then did you go back to
7 relaxing again?

8 A. Yes. It's like almost like
9 because I know nighttime there's a departure.
10 So that day we know -- we already know that
11 the night is going to be cargo completion, so
12 I need -- I have to come like three hours
13 before, two hours before the cargo
14 completion. So I have to take some rest same
15 time we have a departure also. Mooring
16 stations also. So I have to get well rested.
17 So, accordingly, I adjusted my work and
18 rested.

19 Q. You went back to your cabin and
20 rested?

21 A. I don't remember that where I
22 went. I should be roaming around with some
23 people or like I might have gone back too.

24 Q. Okay. And at some point you
25 mentioned you had dinner; is that right?

1 A. Yeah, that's correct.

2 Q. Okay. And then what time did you
3 go back on to duty that evening, March 25th?

4 A. Exactly I don't remember, like
5 after dinner should have like -- I don't
6 remember the time. But after dinner, I
7 should have taken some -- few hours, have
8 some rest, and then I went back to the ship
9 office I think.

10 Q. Do you recall what time you --

11 A. I don't remember the time. It was
12 -- while we are in port, we don't see the
13 time. Accordingly, we take rest when we have
14 a gap or when we have a time.

15 Q. You got to let me finish my
16 questions. Okay?

17 A. Okay.

18 Q. Yeah, you're getting -- you're
19 starting to jump on my questions.

20 A. I'm sorry, because the timing
21 thing, I can't remember exactly what time.
22 If it was the -- like sailing, I can exactly
23 say the time -- what time I was went to
24 bridge and what time I finished by watch.
25 Because in port, there are so many people

1 comes. Cargo planner send the plan, and he
2 asked me to check, so the time changes. I
3 have to go again to the ship's office, check
4 the plan, and again and come. If any steward
5 complains, then I have to go on deck and
6 check and come back, like that stuff.

7 Q. Remember, if I ask you a question
8 and you don't know the answer, you can say I
9 don't know. Okay?

10 A. Yeah, okay.

11 Q. When did you come back on duty
12 March 25th?

13 A. I don't remember.

14 Q. Do you know if you came back to
15 duty at all before midnight on March 25th?

16 A. Well, not on. No, I came to duty,
17 but I don't know the time.

18 Q. Were you on duty on March 26th
19 starting at midnight? At that time, while
20 the Dali was preparing for departure, were
21 you aware on duty?

22 A. Yes.

23 Q. Okay. Do you recall when you went
24 off duty on March 26th?

25 A. I don't remember the time, but

1 when captain said, I went.

2 Q. Do you recall what the status of
3 departure operations were when the captain
4 told you you could go off duty?

5 A. Yes, I know the status onboard
6 what's -- on that time.

7 Q. Tell me. What was the status
8 onboard?

9 A. So all the mooring lines onboard,
10 and all the lines secure on the drum. So
11 only the tug was there. And after all
12 secured, no tug was just pushing, and tug was
13 not connected to the aft station.

14 Q. Had the vessel moved from its
15 berth yet?

16 A. Yes, vessel cleared the berth.

17 Q. All right. Let's talk about
18 March 25th, okay, the blackout. All right?

19 You said you were in your cabin.
20 The lights went out in your cabin; is that
21 right?

22 A. Yeah.

23 Q. What did you do when the lights
24 went out?

25 A. There was interruption. The light

1 went and came back. So, immediately, I
2 called the duty officer, who is the second
3 officer. So I told, Rohit, I think some
4 blackout was there. So he told that, okay,
5 sir, I go and check on the bridge. He told
6 that, okay, sir, I go and check on the
7 bridge. So I asked him, how do you know? He
8 told me he was in the gangway. So I told,
9 okay, be in the gangway because during
10 blackout, he cannot use the elevator. He had
11 to climb the eight staircase for going to the
12 bridge.

13 So I told him too, you be in the
14 gangway. I'm already inside the
15 accommodation. So from my cabin, bridge is
16 just two floor, so I went to the staircase to
17 the bridge.

18 Q. From your cabin, it's only two
19 floors to the bridge?

20 A. Yeah, that's correct. Above my
21 floor is the captain floor, and then after
22 that bridge.

23 Q. And did you do that? Did you go
24 to the bridge?

25 A. Yes, I went to the bridge.

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1 Q. Who was the duty officer? Was
2 that Officer Bisht?

3 A. That's correct.

4 Q. And was anybody on the bridge when
5 you got there?

6 A. No, nobody on bridge.

7 Q. What was going on in the bridge
8 when you arrived?

9 A. There were all the equipments.
10 The alarm was buzzing.

11 (Reporter clarification.)

12 A. Alarm was buzzing, alarm sound.

13 All the equipments have a buzzing sound.

14 BY MR. WALKER:

15 Q. What alarms were buzzing; do you
16 recall?

17 A. Navigation light panel, fire alarm
18 detector, gyro panel. No, I cannot recall
19 all those things.

20 Q. Did you say control panel?

21 A. Gyro. Gyro repeater panel.

22 Q. Gyro repeater panel?

23 A. Yeah.

24 Q. Now, when you go to the bridge,
25 after the conversation with the second

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1 officer, did you have any other information
2 at all about what may or may not have caused
3 the blackout?

4 A. When I was on the bridge I don't
5 have any information what has caused the
6 blackout.

7 Q. When you got to had the bridge,
8 did you call anyone before you began turning
9 off the alarms?

10 A. Initially, I stopped all the alarm
11 buzzing. When I come to the fire alarm
12 detector, even I pressed the alarm, there was
13 showing some alarm in the display. So I
14 called the engine room. So I have reset all
15 the alarms, but the fire alarm detector is
16 still showing some alarm. So I think the
17 training electric officer was down in the
18 engine room, so he did something down there
19 so the panel was back to normal.

20 So I didn't ask him because I also
21 know they would be taking the same thing
22 down, so once they take, they let me know.

23 Q. The person you spoke to in the ECR
24 was the electrical training officer?

25 A. As far as I remember. As far as I

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1 remember. I'm not sure of it.

2 Q. Did you talk to anybody else from
3 the ECR at any point while you were on the
4 bridge?

5 A. While I was on the bridge, I
6 didn't talk to anyone except the training
7 electrical officer.

8 Q. What did the training officer tell
9 you?

10 A. He said, okay. He said, okay, I
11 will check. Then after I cut the phone, and
12 then I was standing in front of that fire
13 alarm detector panel, then it's automatically
14 gone. Then I told him, yeah, it's now reset.

15 Q. Were you still on the phone with
16 him or did you have to call back?

17 A. No, I was not on the phone when he
18 was doing something. After that, I called
19 him and told.

20 Q. Told him the alarm went off?

21 A. Yeah, correct.

22 Q. Did you ask him when he got on the
23 phone, why did we have a blackout?

24 A. No, I didn't ask him.

25 Q. Why not?

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1 A. Because I know that's the time
2 people are running here and there in the
3 engine room, so they'll also be knowing
4 what's going on. So I was sitting on the
5 bridge, so I was working on the bridge only,
6 so let them come back what happened.

7 Q. I apologize. I'm not following
8 you. You said -- you said: So I was sitting
9 on the bridge. I was working on the bridge
10 only --

11 A. No, it's not like I'm working on
12 the bridge. I'm working on the alarms on
13 bridge. I went to the bridge. I was still
14 working on the alarms and resetting. So in
15 the meantime, I went like checking with the
16 fire alarm detector. I had that alarm. Even
17 if I press it was not getting reset. So I
18 called the engine room and told the
19 electrical officer it was not resetting, but
20 other equipments have got reset. So he told
21 me he would check it. So he checked, and,
22 after that, it came back to normal.

23 Q. Fair to say that blackouts are not
24 a normal, usual occurrence on ships?

25 A. Yes, it's not normal.

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1 Q. Okay. Did you ever ask anybody in
2 the ER -- ECR at any point what caused the
3 blackout?

4 A. When I was on bridge, I didn't ask
5 them.

6 Q. At any point, after you left the
7 bridge, did you ever go to the ECR?

8 A. No, I met chief engineer.

9 Q. Where did you meet the chief
10 engineer?

11 A. Just when he came just below the
12 bridge floor, so he was near the elevator on
13 his floor, so I met him.

14 Q. Was the chief engineer on the
15 vessel when the blackout occurred?

16 A. That I don't know.

17 Q. When did you meet the chief
18 engineer in relation to the blackout? How
19 much time had lapsed?

20 A. On bridge after resetting all the
21 alarms on bridge, I went and checked on the
22 shipside and just gave a glance on the
23 gantry, and then I went down. Should be --
24 still I cannot exactly say how much time. So
25 after done with the bridge and when I came

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1 down, I met the chief engineer.

2 Q. More than an hour or less than
3 hour?

4 A. It could be around 30 minutes.

5 Q. Do you know, as you sit here
6 today, whether the chief engineer was onboard
7 at the time the blackout occurred?

8 A. I just asked them, but I didn't
9 get the answer.

10 Q. Listen to my question.

11 A. Okay.

12 Q. Do you know if the chief engineer
13 was on the vessel at the time of the
14 blackout?

15 A. Did I know the chief engineer on
16 the vessel? Yeah, he should be onboard. He
17 should be onboard because I don't know
18 whether he went out or not. During the
19 blackout, I don't know whether he went to
20 shore leave or he was onboard.

21 Q. Did you ask the chief engineer
22 when you saw him what caused the blackout?

23 A. Yes. When I told him that we had
24 a blackout, he told, yes, we were working on
25 something is what he told.

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1 Q. Did he tell you anything else?

2 A. He told, yes, I'm going down to
3 check. That's what he was standing front of
4 the door.

5 Q. When the blackout first occurred
6 and you were in your cabin --

7 A. Yeah.

8 Q. -- how long was it between the
9 time that you observed the blackout occurred
10 and the time that you left your cabin?

11 A. Blackout occurred. The time I
12 left my cabin, just two minutes. Once
13 blackout occurred, because already I was in
14 the bow of the ship, so I went -- straight
15 away went up.

16 Q. Couple of minutes?

17 A. Might be couple -- like less than
18 five minutes you can say.

19 Q. Did you make any observations of
20 the power coming back on or lights turning on
21 and then turning off again while you were in
22 your cabin?

23 A. No, only one time I experienced.

24 Q. What time of day was it when you
25 left your cabin?

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1 A. What time?

2 Q. It was daylight, right?

3 A. It's daylight.

4 Q. It was in the afternoon?

5 A. Yeah, it's in the afternoon.

6 Q. And is it fair to say that if the
7 ship lights turned off again, and you were
8 outside of your cabin, that you may not have
9 noticed that because it was daylight?

10 A. Yeah, we can say that.

11 Q. Have you ever become aware of any
12 information that on March 25th there was more
13 than one blackout; there were two consecutive
14 blackouts?

15 A. Yeah, that I didn't -- aware of
16 that.

17 Q. You never heard that before?

18 A. Yeah, no.

19 Q. No one's ever told you that,
20 right?

21 A. Yeah, no.

22 Q. Do your best to tell me everything
23 that the chief engineer told you when you met
24 him.

25 A. So I told him that we had a

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1 blackout. He told me, yes, we were working
2 on the starboard one, and I'm going down to
3 check. So then I told him, okay, please
4 check. We have two hours pilotage tonight.
5 Then I left.

6 (Reporter clarification.)

7 A. Two hours pilotage tonight.

8 BY MR. WALKER:

9 Q. Anything else?

10 A. By the time captain came, I told
11 the same thing to captain, like said we had a
12 blackout. Chief engineer is going down.
13 That's it.

14 Q. Did you and the captain or the
15 master discuss anything else about that?

16 A. No, this is the only word I told
17 him. He told okay.

18 Q. And he told you okay?

19 A. Yeah, that's it.

20 Q. And he didn't say anything else to
21 you?

22 A. Yeah, that's correct.

23 Q. And the chief engineer didn't say
24 anything else to you, correct?

25 A. Except what I said now.

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1 Q. And did you hear another word
2 about it between the time you had those
3 conversations with the master and the chief
4 engineer and the time the ship was preparing
5 for departure?

6 A. So after that, I never heard any
7 information about this, anything related to
8 the blackout.

9 MR. BENNETT: Larry, when you
10 come to a stopping point.

11 MR. DUFFY: I was going to say
12 the same thing.

13 MR. WALKER: Sure.

14 MR. DUFFY: If you're in a
15 transition period.

16 MR. WALKER: Yeah, it's the
17 perfect time for a break. Okay?

18 THE VIDEOGRAPHER: Going off the
19 record at 10:43 a.m.

20 (A brief recess was held from
21 10:43 a.m. to 11:06 a.m.)

22 THE VIDEOGRAPHER: We are going
23 back on the record at 11:06 a.m.

24 BY MR. WALKER:

25 Q. Kwinteen, we took a break for

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1 about 20 minutes or so. One of the things
2 that I like to do with witnesses that I'm
3 talking with is ask them after break whether
4 there's anything that they thought of during
5 the break that they would like to discuss
6 that we previously talked about.

7 Anything that you would like to
8 correct or expand upon?

9 A. No.

10 Q. Okay. If that happens at some
11 point today that -- you know, we are talking
12 about things that have happened in the past,
13 right?

14 A. Yes.

15 Q. And my experience is that when
16 people talk about things that happened in the
17 past that sometimes when you first talk about
18 them, maybe you don't remember, but as you
19 start to talk more about them, you remember
20 more details.

21 A. Yeah, that's correct.

22 Q. And so if that happens today, and
23 you want to provide some additional
24 information or clarify something we talked
25 about, you will tell me?

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1 A. No, do not know.

2 Q. You will let me know, and I'll
3 give you --

4 A. Sure. If anything comes up, I
5 will, sure, let you know.

6 Q. And one of the reasons for that is
7 because when we get done here today, the
8 court reporter is going to prepare a booklet,
9 and you may not have a chance at that point
10 to change your testimony, especially if it's
11 a substantive issue. Okay?

12 A. Okay.

13 Q. All right. So we got to do that
14 before we finish today. All right?

15 A. Okay.

16 Q. I want to switch gears a little
17 bit here, and I want to talk with you a
18 little bit about what you did to prepare for
19 your deposition today and what you have done
20 in the -- from the date that the Dali hit the
21 bridge and today in terms of talking with
22 people and investigations. Okay?

23 A. Okay.

24 Q. So let's start with the prep
25 session. Again, I'm going remind you that I

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1 don't want you to tell me anything about
2 conversations that you've had with your
3 attorney. Okay?

4 A. Okay.

5 Q. But the protection that you get is
6 relating to communications meaning words that
7 you all speak, but we can talk generally
8 about some other issues like what you looked
9 at or how long you met and things of that
10 nature. Okay?

11 A. Okay.

12 Q. Did you have a chance to meet with
13 your attorney before you came today?

14 A. Yes.

15 Q. When did you meet your attorney
16 before today to prepare for your deposition?

17 A. Yesterday and day before
18 yesterday.

19 Q. Let's start two days ago. When
20 you met with Mr. Duffy two days ago, was
21 anybody else there?

22 A. Actually, he is having a meeting
23 with Mr. Bennett. So I was just sitting
24 nearby Mr. Duffy. So that time I just had a
25 few words with Mr. Bennett. So, after that,

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1 I left the room so they were having a
2 meeting.

3 Q. So, obviously, you weren't present
4 and I really -- if you weren't present, you
5 don't know what Mr. Duffy and Mr. Bennett
6 were talking about.

7 Did you talk with Mr. Bennett
8 substantively about your deposition? Was it
9 anything more than pleasantries?

10 A. Just initially greeted. And he
11 said that long time we see onboard after
12 that.

13 MR. BENNETT: Just note my
14 objection.

15 Any communication with myself
16 and the witness is covered by joint
17 defense agreement, so to privilege.

18 MR. WALKER: You're asserting
19 there's a joint defense agreement
20 that's --

21 MR. DUFFY: And I echo that.

22 MR. WALKER: What's that?

23 MR. DUFFY: I echo that.

24 BY MR. WALKER:

25 Q. Kwinteen, did you have any

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1 expectation that Mr. Bennett was acting as
2 your attorney?

3 A. No.

4 Q. Were you present -- was
5 Mr. Bennett present during any of the
6 occasions when you were being prepared for
7 your testimony?

8 MR. DUFFY: I'm going to object
9 and instruct him not to answer.

10 MR. WALKER: Whether he was
11 present? I didn't ask him what he
12 said. I said, was he present.

13 MR. DUFFY: I'm claiming
14 attorney-client privilege. I'm
15 instructing him not to answer.

16 MR. WALKER: On the issue of
17 whether Mr. Bennett was present,
18 you're claiming attorney-client
19 privilege?

20 MR. DUFFY: Yes.

21 MR. WALKER: Okay.

22 BY MR. WALKER:

23 Q. What was discussed during the
24 meeting between you and Mr. Duffy and
25 Mr. Bennett?

1 MR. DUFFY: I'm going to object
2 on the same grounds, attorney-client
3 privilege, and instruct the witness
4 not to answer.

5 MR. WALKER: I understand. Just
6 making a record. Thank you.

7 BY MR. WALKER:

8 Q. During the meeting that you had
9 with Mr. Duffy and Mr. Bennett, did you look
10 at anything?

11 A. No.

12 Q. Did you see any pictures?

13 A. No.

14 Q. And when was that meeting, the
15 meeting that Mr. Bennett attended?

16 A. It was the day before yesterday.

17 Q. And then yesterday, did you have
18 another meeting with your attorney,
19 Mr. Duffy?

20 A. Yes, in the evening I met him.

21 Q. Was anybody present during that
22 meeting other than Mr. Duffy?

23 A. They both having the meeting, so
24 by the time I was sitting near him, so I had
25 a few words with him. But, after that, I

1 left. They concluded the meeting.

2 Q. When you were preparing for your
3 deposition today --

4 A. Yeah.

5 Q. -- last evening, when you were
6 preparing for your deposition today --

7 MR. DUFFY: I'm going to object.

8 Asked and answered. And you're
9 pushing it over the edge.

10 Attorney-client privilege. And I'm
11 going to instruct him not to answer.

12 MR. WALKER: I didn't even
13 finish my question.

14 MR. DUFFY: I know where you're
15 going, though.

16 MR. WALKER: Why don't you let
17 me finish my question, and then you
18 can put your objection, and it will
19 make things move more quickly.

20 MR. DUFFY: Okay.

21 MR. WALKER: Because you know
22 that I have a job to do too.

23 MR. DUFFY: Understood.

24 MR. WALKER: And so why don't
25 you let me do my job.

1 MR. DUFFY: Okay.

2 MR. WALKER: And you can put
3 your objection on the record, and then
4 we'll move on. Okay? Because we all
5 know what's going to happen. You're
6 not going to let your client answer
7 questions, right?

8 MR. DUFFY: Yes, of course.

9 MR. WALKER: So can I ask mine,
10 and then you can put your objection?

11 MR. DUFFY: Fair enough.

12 BY MR. WALKER:

13 Q. Kwinteen, last evening when you
14 met with your attorney and while you were
15 talking with him, was Mr. Bennett present?

16 A. When we were --

17 (Simultaneous unreportable crosstalk.)

18
19 MR. DUFFY: I'm going to object
20 and instruct the witness not to answer
21 on the ground of attorney-client
22 privilege.

23 BY MR. WALKER:

24 Q. An any moment in time while you
25 were with your attorney last night and

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1 Mr. Bennett was present, what did you
2 discuss?

3 MR. DUFFY: I'm to object.

4 You're misstating the --

5 MR. WALKER: You won't let him
6 answer, so I don't know what the
7 record is. Right? So why don't you
8 just let me finish asking my questions
9 and stop interrupting me.

10 MR. DUFFY: All right. All
11 right.

12 MR. WALKER: Can you do that for
13 just -- can we do that so we can move
14 on? We all know what's going to
15 happen. Let me ask my question, then
16 you can put your objection on, and
17 I'll move on.

18 MR. DUFFY: Okay. If you want
19 to do it that way, fine. Okay.

20 MR. WALKER: I promise I will
21 give you the same courtesy.

22 MR. DUFFY: Okay.

23 MR. WALKER: I think I'm being
24 nice to your witness. I think I'm
25 trying being nice to you too. I'm

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1 getting tired of it. Let me finish.

2 MR. DUFFY: All right.

3 BY MR. WALKER:

4 Q. Sir, when you met with your
5 attorney last night and you talked
6 substantively about anything, was Mr. Bennett
7 present?

8 MR. DUFFY: I'm going to object
9 and instruct the witness not to answer
10 on the grounds of attorney-client
11 privilege.

12 MR. WALKER: Thank you. I will
13 move on now.

14 MR. DUFFY: Okay.

15 BY MR. WALKER:

16 Q. Wherever you're staying right now,
17 wherever your living accommodations are, and
18 I'm not asking you to tell me as a courtesy
19 to your attorney, are you at a location where
20 other members of the crew are also present?

21 A. Yes.

22 Q. Who else is staying at the same
23 location where you are staying?

24 A. It's second officer, fourth
25 engineer, oiler, and the ex-crew mess chef

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1 also, chief engineer, and bosun.

2 Q. And from the time that you started
3 living at that place, that location until the
4 present, have all those people been staying
5 at the same place?

6 A. Yes, until now we are all in the
7 same place.

8 Q. And during that time that time,
9 whenever it is that you moved from the vessel
10 to that location and up until the present,
11 have you had conversations with those people
12 about what happened?

13 A. No. When we were at the hotel
14 until now, we never spoke anything about the
15 incident.

16 Secondly, I asked some questions,
17 but the engineers, nobody was willing to say
18 about the thing.

19 Q. Who did you ask questions about
20 what happened and were not willing to answer
21 you?

22 A. Just asked fourth engineer about
23 some equipment because I don't understand any
24 of the technical equipment. So he also said
25 I also don't know. That's it. That's the

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1 end of conversation.

2 Q. I think -- I want to make sure I
3 understand your answer. Who is the persons,
4 if it was more than one, that you asked about
5 what happened that did not answer you?

6 A. No, I just asked only the fourth
7 engineer. Apart from fourth engineer, I
8 didn't ask anything about that -- the other
9 guys related to that.

10 Q. Had you done anything else between
11 the time that the Dali came into contact with
12 the bridge until the present to investigate
13 what happened?

14 A. Yes. When we are onboard, myself,
15 my other two second officer, so we used to
16 discuss on bridge why it went to starboard,
17 why it didn't come back even, the steering
18 was given to portside. So we keep
19 discussing, and we were just trying to find
20 out what was the root cause.

21 Q. And when you say second officer,
22 you mean Officer Bisht?

23 A. Officer Bisht, and the other
24 second officer, Alan.

25 Q. Alan was not on the bridge at the

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1 time of the blackouts, correct?

2 A. Yeah, that's correct. Actually,
3 we were discussing about why it went to
4 starboard but not about what happened during
5 that time. So we were discussing why it,
6 like, happened like that.

7 Q. And did Officer Bisht have any
8 opinions about why the vessel starting moving
9 to starboard after the blackout occurred?

10 A. Both of them didn't give any
11 opinion. I was just giving them it might be
12 because of current or something. We were
13 just discussing that.

14 Q. Tell me to the best of your
15 recollection what was discussed?

16 A. So I was asking Rohit to -- so
17 what happened like on during bridge, why it
18 went to starboard? Did you give like the
19 wheel to starboard or initially the wheel was
20 starboard? And apart from that, we had a VDR
21 also. So we were checking on the VDR also
22 why it happened like that. So then I was
23 asking, so initially whether it was -- is
24 there some current affecting the ship when it
25 was in that 10 knot speed.

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1 Q. Was there any -- I'm sorry. Are
2 you done? Do you have more to say?

3 A. Yeah, that's it. You can go
4 ahead.

5 Q. Was there an occasion when you had
6 an opportunity to listen to the VDR?

7 A. Yes, we had a backup onboard.

8 Q. How many times have you listened
9 to the VDR?

10 A. Only once.

11 Q. Who was with you when you listened
12 to VDR?

13 A. All three. Myself, Second Officer
14 Rohit, and Second Officer Alan.

15 Q. At what point did the VDR -- at
16 what point you start playing and listening to
17 the VDR in terms of time frame?

18 A. Time frame is like --

19 Q. Let me rephrase my question.

20 A. Yeah, go ahead.

21 Q. What I'm asking about is the time
22 of day it was on the audio that you were
23 listening to.

24 So in other words, the VDR goes
25 for many, many, many hours, correct?

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1 A. Yeah, correct.

2 Q. At what point did you start
3 playing the VDR, and I'm not talking about
4 when you were --

5 A. Yeah, I understand.

6 Q. Let me clean this up. I'm having
7 trouble with this one.

8 So the --

9 A. Yeah, I understand. From what
10 time you listened to the video conversation,
11 correct?

12 Q. Yeah, how long before the blackout
13 did the audio that you were listening to
14 start?

15 A. The time that captain asked me to
16 knock off, from that time I just started
17 listening to that.

18 Q. And about how long was that before
19 the blackout occurred?

20 A. That, I didn't remember the
21 timing.

22 Q. Okay. Did you find anything of
23 interest at all on the VDR audiotape between
24 the time that you knocked off and until the
25 time that the first audible sound on bridge

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1 appeared on the VDR? Anything of interest
2 during that time period?

3 A. Interest is -- yes,
4 that's -- there is some interrupt in the
5 video recording also, like less than one
6 minute or something, there was no recording.
7 So that we -- how it can be possible that
8 video -- there's interruption in the video
9 recording because video has backup power
10 also. There's no way that video cannot --
11 stop recording.

12 Q. So you're saying that when you
13 listened to the VDR, there was a one-minute
14 section missing?

15 A. It's not like -- I don't know how
16 many minutes, but there is some section
17 interrupt -- there was interruption.

18 Q. And do you know where that section
19 of missing audio is in relation to the first
20 indication of a blackout?

21 A. It's not related to the audio.
22 It's related to the equipment because the
23 backup equipment also got switched off and it
24 came back.

25 Q. So did you, also in addition to

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1 the VDR, look at some of the data from
2 equipment on the bridge?

3 A. Yes, correct.

4 Q. What equipment on the bridge did
5 you look at for data?

6 A. Data -- I was looking at the
7 steering, steering comments, hard of port.

8 Q. In which piece of equipment were
9 you looking? Was it ACONIS?

10 A. The video data we played in the
11 computer, the ship computer.

12 Q. ECDIS? Do you know what ECDIS is?

13 A. Yes.

14 Q. Okay. So what piece of equipment
15 are you looking at? What ship computer are
16 you looking at that you saw or observed there
17 was a one-minute missing section?

18 A. We have four or five computers on
19 bridge. Each computer is for different
20 purposes, so one of the computer is like
21 second officer computer he used to keep all
22 his, like, publications, all his paperwork.
23 So he had the backup on his computer on
24 bridge, so in that computer we saw.

25 Q. And which second officer computer?

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1 Was that Alan or Bisht?

2 A. I think I should be Bisht. I'm
3 not sure about it. It should be Mr. Bisht.

4 Q. And how would he have that on his
5 personal computer?

6 MR. DUFFY: Objection. That's
7 not the testimony.

8 BY MR. WALKER:

9 Q. Let me ask, was this computer a
10 personal laptop that is on the bridge or is
11 this a piece of bridge equipment?

12 A. It's a piece of bridge equipment
13 with CPU it's not a laptop. CPU and monitor.

14 Q. But it's a piece of equipment that
15 the second officer would regularly use; is
16 that right?

17 A. Use for his job.

18 Q. And where did you and the two
19 second officers listen to the VDR?

20 A. We were on bridge.

21 Q. Who else was on the bridge when
22 you listened to it?

23 A. Only the three.

24 Q. And when did that occur in
25 relation to the Dali destroying the Francis

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1 Scott Key Bridge?

2 A. This occurred after a few days.

3 Once the video technician came onboard, so he
4 used the same computer for his backup, I
5 think so, because he was working on -- nearby
6 that computer. So that time --

7 Q. So there was someone else on the
8 bridge while you were listening to it?

9 A. No, no. He had a backup, so
10 that -- when the technician came onboard, he
11 got the backup, so might be he got a copy of
12 that in his computer. So after a few days,
13 one evening, we three were in the bridge, so
14 that time we listened to it. So during that
15 time only, the three of them were there.

16 Q. And what data did the second
17 officer have in his computer? Was it audio
18 or was it also data points from other pieces
19 of equipment?

20 A. So to play the video, we need a
21 software, so that software will have all the
22 options like audio, video, like this.
23 Rudder, all the equipments would be
24 displayed.

25 (Reporter clarification.)

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1 A. All the equipments. All the
2 equipments' data would be displayed. So if
3 you have the backup, and you put the backup
4 in that software, the software would get all
5 the information.

6 Q. Were you able to see the other
7 data points, things that were other than
8 audio, on the second officer's computer?

9 A. Other than audio, that's what I
10 told, the status of the wheel, whether it
11 port, starboard, how many degree to port or
12 starboard. Apart from that, rudder.

13 Q. Correct me if I'm wrong. My
14 understanding is that the data you were
15 referring to would keep track of, first, the
16 -- a rudder command, so if the wheel is
17 moved, it would keep track of the movement of
18 the wheel. Is that a data point you saw?

19 A. That's correct.

20 Q. Okay. And then there would be a
21 data point for rudder feedback that would
22 tell where the rudder is at any moment in
23 time; is that correct?

24 A. That's correct.

25 Q. Are there any other data points

130

1 relating to steering that you saw?

2 A. Speed of the vessel.

3 Q. Okay. Any other data points other
4 than that?

5 A. Heading, heading of the vessel.

6 Q. Any others that you saw?

7 A. Heading speed, rudder, rate of
8 turn. That's it. I still can't recall all
9 the things. If you go through the software,
10 you can get the information.

11 Q. And in addition to the data
12 points, you also could hear the audio; is
13 that right?

14 A. Yes, that's correct.

15 Q. Did you do anything else at that
16 time to investigate what could have happened?

17 A. Actually, the audio we listened is
18 not clear because the background was full of
19 alarm buzzing, so we cannot understand what
20 they were speaking. So before collision
21 also, we cannot hear the voice clearly, so --
22 but the data -- what got from the software,
23 so based on that only we are analyzing. So
24 we didn't get the clear audio sound in that
25 software.

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1 Q. And let me just make sure I
2 understand.

3 First of all, are you aware that
4 there are multiple microphones on the bridge?

5 A. Yeah, that's correct.

6 Q. Okay. Did you have the capacity
7 at the time you were attempting to listen to
8 the audio to listen to individual mics as
9 compared to the sound that was recorded by
10 all of the mics together?

11 A. So I don't remember whether we
12 have that option or not. I cannot remember.

13 Q. Is it fair to say that what you've
14 told me so far is you attempted to listen to
15 the audio, but you couldn't make anything out
16 of it?

17 A. Actually, listened to the video
18 only for the data. We didn't want to listen
19 what captain speaks, what the other speaks.
20 So, actually, we were analyzing what
21 happened, so why it went to starboard. So
22 that's why we play back the video and find
23 out whether the wheel is on the starboard or
24 even if the wheel went to port, why the rate
25 of turn haven't started giving the rate of

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1 turn and what was the speed -- still the
2 speed, this much. So that must not be any
3 current should be affecting. So all those
4 things, only the data we were collecting, and
5 we were trying to find out why it went to
6 starboard.

7 Q. All right. And I appreciate that,
8 and thank you for the answer, but it does not
9 answer the question I'm asking. Okay?

10 A. Okay.

11 Q. Listen to my question.

12 A. Okay.

13 Q. When you listened to the audio --

14 A. Yeah.

15 Q. -- just the audio, no data --

16 A. Okay.

17 Q. -- were you able to make any
18 determinations at a point about what was
19 being said on the bridge?

20 A. I can remember this pilot command.

21 So pilot initially told port 20 when the
22 blackout happens. After the blackout
23 happens, he told port 20. So I was telling
24 that it should have been like harder port.

25 The way he giving the port 20, in the case of

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1 emergency, it should be like a hard.

2 Q. So you thought that the pilot
3 should have called for hard port instead of
4 port 20?

5 A. That's correct because it's
6 already started turning to starboard. So if
7 you give a harder port, at least the swinging
8 should have been stopped. So once it started
9 swinging to port, he could have gone to
10 midship, and he can steady there, as we were
11 discussing.

12 Q. Are you a navigational officer as
13 well?

14 A. Yes, that's correct.

15 Q. And you serve on the bridge as
16 well?

17 A. That's correct, yes.

18 Q. During departure and arrival,
19 there have been many occasions in the past
20 where you have served on the bridge?

21 A. In Dali, during departure and
22 arrival, I used to be on the stations,
23 forward and aft, forward mooring stations.

24 Q. And so you have been on the bridge
25 many times when there has been a pilot on the

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1 bridge and the master on the bridge, correct?

2 A. In Dali -- in Dali, there was only
3 one time was on bridge with the pilot, which
4 is arriving Baltimore, which is on the
5 morning watch. So during that time captain
6 was not with me.

7 Q. When you listened to the audio,
8 did you at any point hear the master step
9 over the pilot and make a direction that was
10 different than what the pilot asked for?

11 A. As far as I remember, I didn't
12 recall any of that kind of thing has
13 happened.

14 Q. In other words, when you heard the
15 pilot call for port 20, and you thought that
16 it should been hard over --

17 A. Yes.

18 Q. -- you did not hear the master
19 correct the pilot and order hard over,
20 correct?

21 A. Yes, you can say that. I didn't
22 hear any master order to correct the pilot
23 order. I'm not sure on that because I didn't
24 hear any while hearing the video.

25 Q. Did you -- were you able to

135

1 discern from the audio that you were able to
2 listen to any other important information?

3 A. Please repeat your question.

4 Q. Yeah, sure. You said you listened
5 to the audio, correct?

6 A. Yes.

7 Q. And you listened to the whole
8 audio during the blackouts until the vessel
9 hit the bridge?

10 A. Correct.

11 Q. Did you hear anything else that
12 you could understand that you found
13 important?

14 A. No.

15 Q. And then in addition to that, you
16 looked at data, correct?

17 A. Correct.

18 Q. And did you see data that
19 indicated that the -- there were rudder
20 commands that were called for, and then did
21 you see the rudder response as well on that
22 data?

23 A. No. We didn't compare the audio
24 and the data.

25 Q. So you looked at them separately?

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1 A. Yeah, separately.

2 Q. Okay. Did you see rudder commands
3 in the data and rudder response in the data?

4 A. That's what I'm telling. The
5 rudder command the audio, and the data
6 output, we didn't compare that. We
7 just -- while we were taking on the data, the
8 audio was not played. We just muted it.

9 Q. I want to make sure we're on the
10 same page. So there's an audio where you're
11 listening to someone call for port 20,
12 correct?

13 A. Yes, correct.

14 Q. And you can compare that to the
15 data about whether port 20 was actually
16 effectuated, correct?

17 A. That's what -- while playing the
18 video playback, we heard to the audio first.
19 So while I was hearing to the audio, I was
20 not looking the data. So once I -- first I
21 finished with the audio listening. After
22 that, I checked with the data from the
23 beginning to last. So I didn't check whether
24 -- when pilot says port 20 whether the wheel
25 was on port 20 or not. I didn't compare

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1 that.

2 Q. Okay. What I'm asking is a little
3 bit different. Okay?

4 A. Okay.

5 Q. You may know much better than I.
6 I'm not mariner. Okay? So you will correct
7 me if I'm wrong. But I understood -- I
8 understand that there are data points for not
9 only the rudder command but also a data point
10 for rudder response in response to a command.

11 A. That's correct.

12 Q. Did you, when you were reviewing
13 data points, review both the rudder command
14 data point and the rudder response data
15 points? In other words, did you review them
16 to make sure that when a command showed port
17 20, the response was 20?

18 A. It won't be like two different --
19 this thing. So if a man on wheel gives port
20 20, the rudder data is going to show only
21 that data. So it doesn't show what man did,
22 what the respond -- did -- it shows. It's
23 just showing -- going to show port 20. It
24 doesn't -- not going to show what's the --
25 the hand will shows.

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1 Q. So the data points that you saw
2 was one data point, correct?

3 A. That's correct.

4 Q. Okay. So there was one data point
5 for the rudder, correct?

6 A. Yes.

7 Q. One data point for speed, and one
8 data point for heading, correct? Is that
9 correct? No?

10 A. Yes.

11 Q. Yes or no?

12 A. Let me think about it. It's been
13 a long time. Let me think about it.

14 Yes, correct. You are correct.

15 Like, he gives the rudder angle, so it shows
16 the rudder angle at what -- what is the
17 status of the rudder angle. It will show the
18 rate of turn, and it will show the speed.

19 And it will show the heading.

20 Q. Any other data points?

21 A. Apart from that, you can see
22 the -- I can't remember -- rudder, it should
23 be in the video list, in the video recording
24 list. So that will be there. But I can't
25 remember whether this also was there or not.

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1 I cannot recall that.

2 Q. As you sit here today, those are
3 the data points that you recall, is that
4 correct?

5 A. Yeah, that's correct.

6 Q. Is it fair to say those are the
7 ones you found to be important to your
8 investigation?

9 A. That's correct.

10 Q. All right. After -- did you
11 listen to the audio first or the -- did you
12 look at the data points first?

13 A. First we listened to the audio.

14 Q. Okay. And did you ever listen to
15 the audio more than once?

16 A. No. Only once we listened it. So
17 in that also, the voice was not clear, so we
18 didn't -- like, we want to discuss a --
19 listen to that a second time, so we didn't do
20 that.

21 Q. And the data points that you
22 reviewed, did you only review those once on
23 that occasion you're describing to me where
24 the three of you were on the bridge together?

25 A. After getting the data

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1 information, so we were discussing -- so
2 after the daily evening when we used to meet
3 on bridge, we don't see the radar, but we
4 know the data information already. So we
5 were like putting -- like what would have
6 happened if it would have happened like this.
7 What would have happened if it would have
8 happened like this. So like that we were
9 discussing.

10 Q. I appreciate that. You're not
11 answering the question that I asked.

12 A. Okay.

13 Q. The question I asked was whether
14 you ever looked at these data points again
15 other than that occasion that you described
16 to me when the three of you were together on
17 the bridge?

18 A. So that is the one of us -- only
19 one we saw that data. After that we never
20 saw that.

21 Q. Other than what you have told you
22 about already, looking at the data points and
23 listening to the VDR, have you ever done
24 anything else to investigate what happened?

25 And by the way, in fairness to

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1 you, you said you did attempt to talk to the
2 fourth engineer, and he didn't answer you,
3 correct?

4 A. Yes, correct.

5 Q. Okay. So other than the things
6 we've talked about so far, did you ever do
7 anything else?

8 A. So other than that, the only part
9 is like engine room. So I don't have that
10 much knowledge with the technical one. So
11 one day I asked chief engineer about this, so
12 he just reply with one word. Investigation
13 is still going on. That's it.

14 Q. After the Dali struck the bridge,
15 you gave a statement to the NTSB.

16 Do you recall that?

17 A. Yes.

18 Q. Did you ever receive a copy of
19 that statement?

20 A. Yes, we received -- yes, we
21 received copy, correct?

22 Q. Did you read when you received a
23 copy?

24 A. Yes, we received.

25 Q. Did you read it?

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1 A. Yes, I read it.

2 Q. Okay. How many times have you
3 read it since you've received a copy?

4 A. To today, it should be only once.
5 Once or twice.

6 Q. When is the last time you read it?

7 A. When I was onboard, I read it.

8 Q. When is the last time you read it?

9 A. When I was onboard.

10 Q. Did you read it in preparation for
11 your deposition?

12 A. No, I didn't read it.

13 Q. And you gave a statement to the
14 vessel owners, correct, or the managers?
15 Someone asked you to give a statement,
16 correct?

17 A. Yes.

18 MR. BENNETT: Just note my
19 objection.

20 BY MR. WALKER:

21 Q. Let me clean that up. After the
22 incident occurred, were you asked to give a
23 statement?

24 A. Yes.

25 Q. A statement that was different

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1 from the NTSB statement, correct?

2 A. That's correct.

3 Q. Okay. Did you ever receive a copy
4 of that statement?

5 A. Copy -- we just typed and taken
6 the print out and given the paper. That's
7 it.

8 Q. Did you ever receive a copy of
9 that statement?

10 A. No.

11 Q. When you gave that statement to
12 whomever you gave it to, were you truthful?

13 A. Yes.

14 Q. When you gave the NTSB a
15 statement, were you truthful?

16 A. Yes.

17 Q. You mentioned that you had read
18 the NTSB report. Did you find there to be
19 any inaccuracies in the NTSB report -- I'm
20 sorry, in the NTSB statement?

21 A. When the NTSB taken
22 interview -- actually, they were recording.
23 So they were not typing. They were recording
24 with recorder. So after that, when they gave
25 the transcript, so it's the audio transcript

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1 of that recording. So that was some -- few
2 errors because of my pronunciation or because
3 of my English, so like that was some small,
4 small errors, but the fact is the same. Only
5 the errors with the words that I saw.

6 Q. Were there any errors in the NTSB
7 statement that you thought were important?

8 A. Related to the incident, no. But
9 like my previous vessel, like other guys
10 sailed with the other person, other ranks
11 like that. So that was like a loss. Apart
12 from that, rest all good.

13 Q. You said but, like, by previous,
14 like, other guys say, the other answers like
15 that. I don't --

16 A. No, the thing is they asked about
17 what was your previous vessels, so I just
18 named all my previous vessels.

19 (Reporter clarification.)

20 THE STENOGRAPHER: I can't
21 understand him.

22 MR. WALKER: Previous vessels.

23 THE WITNESS: Previous vessels.

24 BY MR. WALKER:

25 Q. Slow it --

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1 A. So when I was telling my previous
2 vessel name, one of my vessel name was -- it
3 was printed wrong. Apart from that, they
4 asked me, have you sailed with any of the
5 person who is in Dali. So told I have sailed
6 with second engineer when I was on my first
7 ship in Synergy. So it was return second
8 officer.

9 Q. Instead of second engineer?

10 A. That's correct.

11 Q. Any other errors that you recall?

12 A. Apart from that, the sentences,
13 it's like a little bit shuffled, but the fact
14 is same. There's no change in the fact. The
15 words and the sentences is all shuffled.

16 Q. Other than what you've told me
17 about, were there any errors in the NTSB
18 report?

19 A. No.

20 Q. Have you ever read any of the NTSB
21 investigation reports that have been
22 published so far?

23 A. Yes, online it was published, so I
24 read that.

25 Q. And did you note there to be any

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1 errors in the online published NTSB
2 information?

3 A. No.

4 Q. When you read that, was there
5 anything in that report that you disagreed
6 with?

7 A. It's mostly -- it's all about the
8 engine room and technical part. So anyway,
9 I'm not going -- I'm not sure about what
10 they're talking about, but still I read it.

11 Q. When you read that, was there
12 anything in there that you disagreed with?

13 A. No.

14 Q. There was things in there that you
15 didn't understand, correct?

16 A. That's why I didn't disagree.

17 Q. Okay. Have you done anything else
18 to investigate what occurred other than what
19 you've told me so far?

20 A. Other than that, related to the
21 engine part, I don't have any information, so
22 I didn't investigate after that.

23 Q. Have you ever worked in an engine
24 room?

25 A. No, I didn't.

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1 Q. Do you have any information about
2 how many generators were running on
3 March 26th when the Dali left its berth?

4 A. No, I don't have any information.

5 Q. Would you have come into
6 information relating to how many generators
7 would normally be run when the Dali would
8 leave its berth, speaking generally?

9 A. Speaking generally, it
10 depends -- Dali, I don't know information on
11 that.

12 Q. Is that the kind of thing that
13 would not -- just doesn't come up in
14 conversations between you and other crew
15 members?

16 A. That's correct.

17 Q. Is it fair to say that you did not
18 have any information or knowledge as to how
19 the electrical transformers were configured
20 on the Dali on March 26th?

21 A. Yes, we can say that.

22 Q. Are you aware that there are two
23 sets of transformers on the Dali?

24 A. I have no idea about that.

25 Q. Do you know whether there are two

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1 transformers that are redundant to each other
2 on the Dali?

3 A. No. I have no idea about that.

4 Q. Do you know what redundant means?

5 A. No.

6 Q. If I use words that you don't
7 understand, will you tell me so we can talk
8 about that?

9 A. Was the transformer, how many
10 times that one, I don't know how many, so --

11 Q. Listen to my question. If I use a
12 word that you don't understand, will you tell
13 me?

14 A. Yeah, sure, I do.

15 Q. It's no good if you're answering
16 questions and I'm using words, and you don't
17 understand them. Okay?

18 A. Okay. Sure.

19 Q. No one wants that. All right?

20 A. Yeah.

21 Q. It's not good for you either.

22 Okay?

23 A. That's why I keep asking, repeat
24 the question, repeat the question.

25 Q. All right. But if I use a word

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1 you don't understand, tell me that. Okay?

2 A. I thought it some of the technical
3 word in the transformers.

4 Q. Redundant means backup.

5 A. Okay.

6 Q. Are you aware that on ships, there
7 are often backups as a safety method? Are
8 you aware of that?

9 A. Yeah.

10 Q. Did you know that there are two
11 transformers on the ship and that one is a
12 backup to the other?

13 MR. BENNETT: Just note my
14 objection.

15 BY MR. WALKER:

16 Q. Yes or no?

17 A. If it is like one of the critical
18 equipment, they should have some backup
19 equipment for the manual -- so I'm not
20 sure -- it should be -- I think.

21 Q. And are you aware that those
22 transformers can be set up -- whether they
23 will either act as backup or they won't act
24 as a backup, they can be configured in
25 certain ways. Are you aware of that?

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1 A. I have no idea.

2 Q. And you have no information as to
3 how the Dali would normally operate or
4 configure that equipment or how it was
5 operated on March 26th, correct?

6 A. That's correct.

7 Q. Let's talk about the electrical
8 generators. Do you know how many electrical
9 generators are on the Dali?

10 A. No, I can't remember.

11 Q. Do you have any knowledge relating
12 to how those generators were set up and
13 configured in terms of what fuel they ran on?

14 A. No idea.

15 Q. Do you know what a flushing pump
16 is?

17 A. No idea.

18 Q. Is it fair to say that you took no
19 part in making any decisions about how many
20 electrical generators would be run at any
21 time?

22 A. That's what I tried to get the
23 information when I was onboard from the other
24 engineers. So they told -- this is the only
25 word I heard is that the investigation is

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1 going.

2 Q. And did you ask that question
3 after you read the NTSB report?

4 A. After the NTSB only I asked them
5 because, before that, I have no idea about
6 the transformer and how much they -- like,
7 generally, how much they are to do, what they
8 have to do. So after the NTSB report, they
9 gave some opinion and remarks. So according
10 to that, I asked them whether this happened.
11 So they told the investigation is going on.

12 Q. So it was the NTSB report that you
13 read that published online that caused you to
14 ask those questions, and you did not get
15 answers; correct?

16 A. That's correct.

17 Q. And as a result of what you have
18 done so far, all the things that you just
19 described for me over -- since we came back
20 from the break, have you developed any
21 opinions as to why the vessel turned to
22 starboard?

23 A. I could say that might be -- this
24 is the reason it was caused, but I won't say
25 it is like for a hundred percent. The only

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1 reason to further turn to starboard is
2 because of the current on the stern.

3 Secondly, our ship stern is like a
4 flat type, it's not like a box type. So even
5 if you have a current, it won't affect to
6 turn the ship starboard that much, the rate
7 of turn.

8 Q. It sound like you're telling me
9 two things. One, it could have happened one
10 way, but still -- wait a minute -- but that
11 the shape of the ship would suggest
12 otherwise; is that correct?

13 A. That's correct.

14 Q. All right. So we can make this
15 real easy or we'll talk about this for
16 longer.

17 Do you have an opinion about why
18 the vessel turned to starboard or not?

19 A. Yeah, this is the only opinion I
20 have that it could have turn -- it has turned
21 to starboard because of the current.

22 Q. Okay. And have you told me about
23 everything that you looked at to come to that
24 opinion?

25 A. Yes.

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1 Q. Would you agree that that's
2 speculation on your part?

3 A. I didn't understand the question.

4 Q. Do you know what speculation
5 means?

6 A. No. Please.

7 Q. Guesswork. Do you know what guess
8 is?

9 A. Yes, correct.

10 Q. Is that a guess about what might
11 have happened?

12 A. We can say that it's a guess.

13 Q. Okay. Good enough.

14 (Off-record discussion.)

15 MR. LOCHNER: So while we have a
16 moment, if I could interrupt.

17 (Reporter clarification.)

18 MR. LOCHNER: This is Todd
19 Lochner on behalf of the private
20 economic loss group. While we have a
21 moment, if I could interrupt, I would
22 to ask that the court reporter, when
23 she listens to this audio, go back on
24 several occasions, he has made very
25 affirmative statements where he says

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1 something to the effect of "yeah,
2 good," or "yeah, absolutely," or
3 something of that nature that is not
4 appearing on the actual transcript.

5 One of those areas is at 1:20:25. And
6 that's just an example.

7 For the benefit of the court
8 reporter --

9 THE STENOGRAPHER: I can't see
10 who is speaking.

11 MR. LOCHNER: For the benefit of
12 the court reporter, I think there were
13 approximately five of them to this
14 point in the deposition.

15 BY MR. WALKER:

16 Q. Do you have an opportunity to read
17 the hand-over notes of other members of the
18 crew?

19 A. Not other members of the crew.

20 Q. You prepare hand-over notes when
21 you go from vessel to vessel; is that
22 correct?

23 A. That's correct.

24 Q. And when you arrive on a new
25 vessel, do you receive the hand-over notes

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1 from the prior first officer?

2 A. Yes. Actually before joining, we
3 received the hand-over note.

4 Q. Do you -- are you allowed to read
5 the hand-over notes that are exchanged
6 between, for example, masters or chief
7 engineers?

8 A. Master and chief engineer, I won't
9 be having access to the hand-over notes, but
10 the junior officers, it will be on our
11 computer because their computer I cannot
12 touch this.

13 Q. Are there any places on the vessel
14 where there are physical copies of hand-over
15 notes for the masters and the chief
16 engineers?

17 A. It should be in their cabin.

18 Q. In their cabins?

19 A. Yes.

20 Q. So you do not have access, then,
21 to hand-over notes for people who are above
22 you in command?

23 A. That's correct.

24 Q. But you do have access to
25 hand-over notes for all the first officers

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1 before you, correct?

2 A. Because our hand-over notes will
3 be in the common file, which is going to be
4 in the ship's office or bridge.

5 Q. So does that mean that you have
6 access to the hand-over notes for first
7 officers that were before you?

8 A. Yes, that's correct.

9 Q. And all of the people that are
10 under your command; is that true?

11 A. Under my command, if -- if there
12 was a copy in the computer, I have access.
13 It doesn't mean that I know it has a copy in
14 the computer. If there was a copy in the
15 computer, I have access. Otherwise the
16 hand-over notes hard copy would be with the
17 respective to second officers with them only.

18 Q. The hard copies will be with the
19 second officers?

20 A. Yeah, they're rank would be with
21 them only. But mine -- as the chief officer,
22 mine would be like a common file, so it would
23 be in the ship's office.

24 Q. I understand. Is it your practice
25 or policy to read the hand-over notes of

1 junior officers to you?

2 A. Normally, I don't do.

3 Q. Why not?

4 A. It's not required.

5 Q. It's not required?

6 A. Yes.

7 Q. Management does not require you to
8 read the hand-over notes exchanged between
9 people of lesser command under you?

10 A. Because they're handing off to
11 their reliever, so there's no reason for me
12 to go and check what they're reading.

13 Q. Isn't it true, though, that people
14 that are under your command have firsthand
15 information about specific things that they
16 do?

17 A. Please repeat your question.

18 Q. There are people under your
19 command that have specific responsibilities,
20 correct?

21 A. Correct.

22 Q. And when they prepare those
23 hand-over notes, they're supposed to put
24 information in there that's important to
25 communicate to the person who is relieving

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1 them, right?

2 MR. BENNETT: Just note my
3 objection.

4 A. That's correct.

5 BY MR. WALKER:

6 Q. Is that correct?

7 A. Yes.

8 Q. Do you believe that it would be
9 important for you to know as the incoming
10 officer what important -- what information
11 that the junior officer thought was important
12 to convey to their relief?

13 A. Please repeat your question.

14 MR. WALKER: Can you read it
15 back?

16 (Whereupon, the record was read back
17 by the court reporter.)

18 A. No. For me, it's not that much
19 important.

20 BY MR. WALKER:

21 Q. So is it fair to say, based upon
22 what you have told me, that the only
23 hand-over notes that you've ever read
24 relating to the Dali were the hand-over notes
25 that you received from the officer that you

1 relieved?

2 A. That's correct.

3 Q. Am I correct that you were not
4 present during the master pilot exchange that
5 occurred on March 25th or 26th before the
6 Dali left its berth?

7 A. That's correct, I was not present.

8 Q. And you have no information
9 relating to what information was communicated
10 between the master and the pilot?

11 A. I don't have any information.

12 Q. Do you agree that the master or
13 the -- or whomever else was involved in that
14 exchange should have told the pilot that
15 there had been a blackout on the vessel on
16 March 25th?

17 A. If that blackout has affected any
18 of the critical equipment related to the
19 safety of navigation or if that blackout will
20 affect the pilotage, then he should have
21 told.

22 Q. So you would agree with me, then,
23 that if on March 25th there was a blackout
24 that occurred because -- let me back up a
25 little bit.

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1 You read the NTSB report, correct?

2 A. Yes.

3 Q. Did you see in the NTSB report
4 that on March 25th, they indicated there were
5 two blackouts?

6 A. Okay. I didn't -- I can't
7 remember.

8 Q. You don't recall that?

9 A. Yeah.

10 Q. Okay. The NTSB report indicates
11 that there were two blackouts that occurred
12 on March 25th.

13 A. Okay.

14 Q. If the second blackout occurred
15 because, upon recovery of the first one, a
16 fuel pump that was providing fuel to the
17 operating generator does not automatically
18 turn on, do you agree that that is the kind
19 of information that should be conveyed to the
20 pilot?

21 MR. BENNETT: Just note my
22 objection.

23 A. Still I don't remember this
24 information from the NTSB report.

1 BY MR. WALKER:

2 Q. That's not the question that I
3 asked you. The question I asked you was, if
4 the generators that are running upon a
5 blackout rely on a fuel pump that will not
6 turn back on after a first blackout occurs,
7 and because of the fact that the fuel pump
8 does not operate, a second blackout can
9 occur, that kind of information should be
10 communicated to the pilot, correct?

11 MR. BENNETT: Just note my
12 objection.

13 A. Yes, if there is any malfunction,
14 it should have to be reported to the pilot.

15 BY MR. WALKER:

16 Q. And do you agree with me that
17 using a fuel pump that will not turn itself
18 back on after a blackout is a malfunction?

19 MR. BENNETT: Just note my
20 objection.

21 A. I don't know what was the
22 operating procedure in the engine room. So
23 if the main engine needs fuel only through
24 the flush pump, without fuel if the engine
25 doesn't work, then it's a malfunction.

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1 BY MR. WALKER:

2 Q. Are you aware that the design of
3 this vessel for the generator fuel system
4 includes what's called a booster pump and a
5 supply pump?

6 A. I have no idea about that.

7 Q. If the original design of the
8 generator fuel system included booster pumps
9 and supply pumps that turn back on
10 automatically upon recovery of a blackout, do
11 you think it's a good idea to use a flushing
12 pump instead of those that does not turn on
13 automatically after a blackout?

14 MR. BENNETT: Just note my
15 objection.

16 A. Actually, I don't know what the
17 booster pump does, what the flush pump does.

18 BY MR. WALKER:

19 Q. All you need to know for my
20 question is that they turn on automatically
21 after a blackout. Okay?

22 A. I have no idea about that. I
23 don't know whether it works in that way or
24 not.

25 (Reporter clarification.)

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1 A. I have no idea about that.

2 BY MR. WALKER:

3 Q. I'm telling you that booster pumps
4 and supply pumps that are designed for this
5 vessel turn on automatically after a
6 blackout. Okay?

7 Do you understand that?

8 A. Okay.

9 Q. If the vessel determines and
10 decides or someone decides to use a flushing
11 pump that does not turn on automatically
12 after a blackout, so that a second blackout
13 may occur because of a lack of fuel, does
14 that sound like a good idea to you?

15 MR. BENNETT: Just note my
16 objection.

17 A. It's a lack of fuel. It's not a
18 good idea.

19 BY MR. WALKER:

20 Q. And if a lack of fuel on
21 March 25th caused a second blackout, just ten
22 hours before the Dali left its berth, because
23 of that reason, and Dali was leaving her
24 berth on March 26th using the same generator
25 and the same fuel pump that caused the second

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1 blackout on March 25th, do you agree that
2 that information should have been
3 communicated to the pilot?

4 MR. BENNETT: Just note my
5 objection.

6 A. Yes, if the system malfunction and
7 the -- it would affect the safety of
8 navigation, and chief engineer thinks this is
9 not safe to have this status before leaving,
10 then he should have told captain, and captain
11 should have told the pilot. If he thinks
12 that there are any backup procedure which
13 will be safe, then it's for no reason to
14 report. I think so.

15 BY MR. WALKER:

16 Q. Do you have any knowledge or
17 information or experience about how many
18 generators are required to be operated to run
19 the bow thruster?

20 A. Apart from the normal procedure,
21 if you want to run the bow thruster, we
22 always need the additional generator. That I
23 know.

24 Q. Additional from what?

25 A. Additional from the normal working

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1 power.

2 Q. How many generators are normally
3 in operation upon departure?

4 A. In Dali?

5 Q. On Dali?

6 A. I'm not sure about that. It
7 is -- depends on the chief engineer how much
8 power is used for that operation. Like in
9 that -- during the departure. It could be
10 various like suppose if more power needed,
11 he'll start the three generator. If the two
12 generator power is enough for the manual
13 brake, he would start the two generator.

14 Q. And what you're saying is that
15 with respect to the bow thruster, if two is
16 the choice for what the power needs are with
17 respect to the bow thruster, it would be one
18 additional?

19 A. That's correct.

20 Q. Can we agree that under no
21 circumstances that Dali should leave its
22 berth operating under just two generators?

23 MR. BENNETT: Just note my
24 objection.

25 A. Please repeat.

1 BY MR. WALKER:

2 Q. The Dali should never leave its
3 berth operating just two generators?

4 MR. BENNETT: Just note my
5 objection.

6 A. There is no information like with
7 two generator we can depart. Like, I didn't
8 understand your question.

9 BY MR. WALKER:

10 Q. Sure. Putting aside the bow
11 thruster, does the Dali always use two
12 generators on departure?

13 A. I'm not sure on that. It depends
14 upon what the chief engineer what he decides.

15 Q. Are you aware of any circumstances
16 where the Dali ever left its berth with just
17 one generator operating?

18 A. No.

19 Q. All of the circumstances that
20 you're aware of, the Dali is operating at
21 least two. Is that fair to say?

22 A. We can say that.

23 Q. And then any time that you're
24 leaving your berth where it's operating with
25 two generators, and you know that you're

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1 either maneuvering or in congested waters,
2 what you told me was there should be another
3 generator operating, correct?

4 A. Yes, apart from the normal
5 sailing. If the normal sailing, two
6 generators is running. Then during
7 maneuverability, we might use the engines and
8 other power like BT and all those things.
9 For this, we need additional generator.

10 Q. The bow thruster serves a number
11 of purposes, correct?

12 MR. BENNETT: Just note my
13 objection.

14 A. Yes, depends on the situation.

15 BY MR. WALKER:

16 Q. Do you agree that one purpose the
17 bow thruster is, in an emergency, it can be
18 used to help steer the bow of the vessel one
19 direction or another?

20 A. Depends on the situation.

21 Q. But that's at least one emergency
22 purpose for the bow thruster, correct?

23 A. That's what -- it has the
24 capacity, like if you're going like more than
25 five knots, using bow thruster wouldn't be

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1 affect you. If you are going less than five
2 knots, the bow thruster a hundred percent
3 would be affected.

4 Q. Have you ever read the manual for
5 the bow thruster?

6 A. No.

7 Q. Did you ever participate in any
8 design -- you're a physics major, correct?

9 A. Yeah.

10 Q. But have you ever worked in any
11 capacity for a bow thruster manufacturer?

12 A. No. This information will be
13 posted near the bow thruster with the metal
14 plate. It's from the dock -- from dock only
15 they mentioned this information nearby the
16 bow thruster control panel. So we know only
17 this information regarding the bow thruster.
18 Apart from that, I have no idea about the bow
19 thruster.

20 Q. Tell me exactly what document you
21 have ever read that says the bow thruster is
22 not effective above five knots?

23 A. This is the only sentence written
24 nearby the bow thruster panel.

25 Q. On the bridge?

1 A. Yeah, on the bridge.

2 Q. So if we take a picture of the bow
3 thruster where the bow thruster controls are
4 on the bridge, you're saying there's a panel
5 that has some language on it; is that
6 correct?

7 A. That's correct.

8 Q. And what does the language say?

9 A. It says, if you -- the bow
10 thruster will be -- has to be used less than
11 five knots. I cannot remember what was the
12 exact sentence. As far as I remember, the
13 fact is like above five knots, if you use the
14 bow thruster, it won't be effective.

15 Q. Does it say it won't be effective
16 or does say it will be less effective?

17 A. That's what I cannot recall, the
18 exact sentence.

19 Q. So you don't recall what it says;
20 is that fair?

21 A. The only thing I can recall is it
22 won't be effective.

23 Q. Well, I'm asking you now. Does it
24 say it won't be effective or does it say it
25 will be less effective, or do you not

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1 remember?

2 A. I do not remember.

3 Q. Would you agree with, though, that
4 if we wanted to know whether it would or
5 wouldn't be effective, the best place to look
6 would be in the manual for the bow thruster?

7 A. Yes, this information is from the
8 manual because -- which is from the dock.

9 It's not the ship crew posted that
10 information. So it should be designer posted
11 that information.

12 (Reporter clarification.)

13 Q. Do you agree with me that, if we
14 wanted to know for sure, the best most
15 reliable place to look would be in the bow
16 thruster manual?

17 A. That's correct, a hundred percent.

18 Q. At any point in time from the
19 moment that you learned that there was a
20 blackout on March 26th, the first blackout,
21 did you ever hear the fog horn?

22 A. Fog horn, no, I never heard.

23 Q. Did you ever hear any kind of
24 horn, emergency horn?

25 A. No.

1 Q. What kind of emergency horns are
2 there on the vessel to let other vessels and
3 nearby people know that there is an
4 emergency?

5 MR. BENNETT: Just note my
6 objection.

7 MR. WALKER: What's the
8 objection?

9 MR. BENNETT: It's a compound
10 question.

11 BY MR. WALKER:

12 Q. What kind of emergency horns are
13 there on the vessel to let other vessels know
14 that there is an emergency?

15 A. To let the other vessels know, we
16 have a sound signal.

17 Q. A what?

18 A. Sound signal.

19 Q. Okay. Did you hear that sound
20 signal on March 26th?

21 A. No, I didn't hear.

22 Q. What kind of emergency horns are
23 there on the vessel to let nearby people know
24 that there might be an emergency?

25 A. Whatever signals we have onboard,

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1 it's only to alert the onboard crew and to
2 alert the other vessel.

3 Q. The same thing you just told me
4 about, correct?

5 A. That's correct, which is the
6 foghorn -- what you're asking is, it's to
7 alert the other vessel. Apart from that, the
8 general emergency alarm is to alert the
9 onboard people.

10 Q. Did you hear the horn that lets
11 other vessels know on March 26th?

12 A. I didn't hear any fog signal --
13 sorry, sound signal.

14 Q. That's all right.

15 And you said there's a sound
16 signal to let the crew know that there's a
17 problem?

18 A. That's the general emergency
19 alarm.

20 Q. Did you hear a general emergency
21 alarm?

22 A. No, I didn't hear.

23 MR. WALKER: Is whoever wants to
24 go next ready, or do you want to
25 -- I'm going to look at my notes, but

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1 if you're all ready to go, there's no
2 sense holding up. Do you want pick
3 up, Dave?

4 MR. REISMAN: Okay.

5 MR. WALKER: Sir, thank you for
6 your time. I appreciate the
7 opportunity to talk to you. I'm going
8 to move down there. I may have more
9 questions later. I'm going to look
10 over my notes. But for now, I think
11 maybe I'm done. Okay?

12 THE WITNESS: Okay. Thank you.

13 EXAMINATION

14 BY MR. REISMAN:

15 Q. Good afternoon --

16 A. Good afternoon.

17 Q. -- chief officer.

18 My name is David Reisman. I'm an
19 assistant counsel to the Office of Attorney
20 General for the State of Maryland, and I'm
21 here to ask you some questions today on
22 behalf of the state of Maryland.

23 A. Okay.

24 Q. And I'm going or bounce around a
25 little bit. Mr. Walker did a really good job

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1 and asked you a lot of questions, a lot of
2 the things that I might have asked, so it's
3 going to mean I'm just going to try and cover
4 a few things.

5 I'm going to start first, you're
6 aware that Synergy -- well, strike that.

7 Synergy is the ship manager for
8 the Dali, correct?

9 A. That's correct.

10 Q. And you were aware of that
11 throughout the time that you worked onboard
12 the Dali?

13 A. Yes.

14 Q. And you were aware that Synergy
15 had shoreside managers that regularly
16 communicated with the ship?

17 A. That's correct.

18 Q. Did you participate in that
19 communication or was that handled by others
20 onboard the ship?

21 A. It's shoreside communication,
22 captain used to have it.

23 Q. So all e-mails to and from the
24 Dali came to and from the captain?

25 A. That's correct.

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1 Q. And -- but you were aware that he
2 was communicating regularly with shoreside
3 managers at Synergy?

4 A. Yes.

5 Q. Are you familiar with the
6 structure within the shoreside management?
7 Are there technical managers and marine
8 managers, for example?

9 A. Yes, he have a marine
10 superintendent, technical superintendent, and
11 fleet manager.

12 Q. Is it your understanding that the
13 captain of the Dali would communicate on a
14 regular basis with both the technical the
15 marine managers for the Dali?

16 A. Yes, that's correct.

17 Q. And those marine -- strike that.

18 Those shoreside managers were
19 there to assist the crew of the Dali,
20 correct?

21 A. That's correct.

22 MR. BENNETT: Just note my
23 objection.

24 BY MR. REISMAN:

25 Q. And you understood that the

1 shoreside managers were there to provide
2 assistance to the crew when needed onboard
3 the Dali, correct?

4 MR. BENNETT: Just note my
5 objection.

6 A. That's correct.

7 | BY MR. REISMAN:

8 Q. If there was a problem, for
9 example, a mechanical problem that couldn't
10 be resolved onboard the ship, is that
11 something that would be reported to the
12 shoreside managers?

13 A. Yes. If you need a support, we
14 have to report to the shoreside.

15 Q. And your job as chief officer on
16 the ship included being responsible for the
17 vessel's deck and deck equipment, correct?

18 A. That's correct.

19 Q. And if there was a problem with
20 deck equipment, for example, that you
21 couldn't have repaired onboard the ship, you
22 would communicate that to the captain so that
23 he could communicate that to the shoreside
24 managers?

25 A. Yes, it depends upon the equipment

1 type.

2 Q. Well, what kind of equipment type
3 would you report to the shoreside managers
4 through the captain?

5 A. Regular maintenance of the
6 equipment apart from the technical, I would
7 report to the captain to inform ashore.

8 Q. I'm not sure I understood that.

9 A. Okay.

10 Q. Can you explain to that me again?
11 I'm sorry.

12 A. Suppose if windlass -- so
13 maintenance of that like greasing and like
14 cosmetic and the chipping, de-rusting, all
15 those things, I would maintain that. If
16 there is any technical problem in that, I
17 would assist chief engineer what he needs.

18 Q. Maybe I didn't ask my question
19 carefully, and I appreciate that explanation.
20 I understood that.

21 My question is, when there was a
22 problem with the piece of deck equipment, for
23 example, a windlass, if that could not be
24 repaired by the crew onboard the ship, is
25 that something that you would communicate to

1 the captain so he could relay it to the
2 shoreside managers?

3 A. No, it would be chief engineer.

4 Q. The chief engineer -- you would
5 report it to the chief engineer?

6 A. No. I would report to the chief
7 engineer if there was any malfunction in that
8 equipment, and he would report to the captain
9 to inform ashore if it has any malfunction.

10 Q. Now I understand. Thank you for
11 that explanation.

12 So the point is that when there
13 was equipment like deck equipment onboard the
14 Dali that could not be repaired onboard, it
15 would follow a chain of communication to get
16 to the shoreside managers?

17 A. Yes, if it was unable to repair
18 onboard or he need any spares, or he need any
19 shore service he would inform master to
20 inform ashore.

21 Q. And at that point the crew would
22 rely on the shoreside managers to do what was
23 necessary to get technicians or parts or a
24 replacement piece of equipment on the ship,
25 correct?

1 A. Yes, they are the superintendent
2 for this ship, so they are there for -- to
3 support us.

4 Q. In fact, they manage the ship?

5 A. That's correct.

6 Q. And -- did we lose this?

7 A. Can I turn? Having a neck pain.

8 Q. Comfortable?

9 A. Yeah.

10 Q. If you need to take a break, just
11 let me know.

12 A. No, for me, it's okay.

13 Q. Okay. But if that happens, you
14 let me know. And just as Mr. Walker said, if
15 you don't understand my question, tell me
16 that, and I will rephrase it or reword so
17 that you can understand.

18 A. Sure, thank you.

19 Q. Okay. Mr. Walker asked you some
20 questions about a blackout on March 25th.

21 Do you recall that?

22 A. Yes.

23 Q. If I understood you correctly, you
24 were only aware that there was one blackout
25 on March 25th?

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1 A. As far as I remember. As far as I
2 remember.

3 Q. Okay. But you were notified --
4 strike that.

5 You were aware that the ship had
6 blacked out on March 25th, correct?

7 A. Yes.

8 Q. And you were aware of that right
9 as it happened, correct?

10 A. Yes.

11 Q. You were able to see that the ship
12 had blacked out?

13 A. Yes, it's went, and within a
14 minute it restored power.

15 Q. And tell me what you did
16 personally to investigate the cause of the
17 blackout on March 25th.

18 MR. BENNETT: Just note my
19 objection. Asked and answered.

20 MR. DUFFY: I agree.

21 MR. WALKER: Okay.

22 BY MR. REISMAN:

23 Q. You can answer.

24 A. That's what I did. I informed
25 second -- I informed the chief engineer. He

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1 gave the information that they were working
2 on the scrubber wall one, so I understood
3 that they were doing some maintenance. So
4 because of that maintenance, it happened. So
5 they know what has happened, why the blackout
6 happened, so they know what to do if that
7 happens.

8 Q. Do you believe that you performed
9 an investigation to determine what the cause
10 of the blackout was?

11 A. I didn't perform any investigation
12 because I know what has happened from chief
13 engineer.

14 Q. You understood what caused the
15 blackout on March 25th?

16 A. Yes, from the NTSB report, I
17 understood that some engineer made a mistake
18 by closing some damper.

19 Q. And I apologize. My question
20 wasn't very good there, so I'm going to ask a
21 little bit differently.

22 By the time the ship departed
23 Baltimore on March 26th, did you know what
24 caused the March 25th blackout?

25 MR. BENNETT: Just note my

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1 objection. Asked and answered.

2 A. No.

3 BY MR. REISMAN:

4 Q. So you didn't not investigate the
5 cause of the March 25th blackout before the
6 ship departed Baltimore on March 26th; is
7 that true?

8 MR. BENNETT: Just note my
9 objection.

10 A. I had the information from chief
11 engineer that this was the cause of the
12 blackout. So we know the cause of the
13 blackout, so, after that, there was no reason
14 for me to investigate.

15 BY MR. REISMAN:

16 Q. If I understood you testimony
17 earlier, you understood from the chief
18 engineer that there was some work being done
19 on March 25th, right?

20 A. Yes, from chief engineer.

21 Q. Did he explain to you what the
22 work was that they were doing and how that
23 caused the blackout?

24 A. No, he didn't explain that.

25 Q. So you didn't know what actually

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1 caused the blackout, did you?

2 MR. BENNETT: Just note my
3 objection.

4 A. The -- first of all, I don't know
5 what maintenance they work in the engine
6 room, like even if they say some equipments,
7 these are the things they're going to do, I'm
8 not going to understand. So from the
9 information -- from the information I got
10 from the chief engineer, he told that he was
11 working on some scupper wall. That much I
12 can understand. Okay. They're working on
13 some wall, and they might be trying out like
14 a blackout alert. Because of some error, it
15 has happened.

16 So they know the reason why it has
17 happened the blackout. So since the chief
18 engineer knows, who is highly qualified
19 compared to me, so after that, I have no
20 reason for to investigate why it happened,
21 what happened.

22 BY MR. REISMAN:

23 Q. And I just want to make sure that
24 -- so you had no reason to investigate why it
25 happened because you were deferring to the

1 chief engineer?

2 A. Yes, based on the information from
3 the chief engineer.

4 Q. Did the chief engineer tell you
5 that the ship had blacked out twice on
6 March 25th?

7 A. No, he didn't say that.

8 Q. So if the ship blacked out twice
9 on March 25th, and the chief engineer didn't
10 tell you that, then he -- you didn't really
11 know exactly what happened, did you?

12 MR. BENNETT: Just note my
13 objection.

14 A. Yes, I told that. I don't know
15 what happened down below. The only thing I
16 know from chief engineers, they were doing
17 some routine job.

18 BY MR. REISMAN:

19 Q. Did you complete a near-miss
20 report after you learned of the March 25th
21 blackout?

22 A. I didn't made any near-miss
23 report. It should be by the chief engineer
24 -- if it is required, it should be by the
25 chief engineer because the routine job was in

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1 the engine room.

2 Q. Were you aware whether a near-miss
3 report was completed in connection with the
4 March 25th blackout?

5 A. No.

6 Q. Did you ever ask anybody, did you
7 complete a near miss report?

8 A. No.

9 Q. When you had conversations with
10 the master about the blackout on March 25th,
11 did he ask you if a near-miss report had been
12 completed?

13 A. No, he didn't ask me anything.

14 Q. Did he instruct you to complete
15 one?

16 A. No.

17 Q. Did you hear him instruct anybody
18 else to complete a near-miss report?

19 A. No.

20 Q. Do you know whether a risk
21 assessment was performed in connection with
22 the March 25th blackout?

23 A. Please repeat your question.

24 Q. Do you know whether a risk
25 assessment was performed in connection with

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1 the March 25th blackout?

2 A. No.

3 Q. So you didn't participate in a
4 risk assessment; am I right?

5 A. That's correct.

6 Q. And you didn't instruct anybody
7 else to perform a risk assessment, did you?

8 A. No, I didn't inform anybody.

9 Q. Did you conduct any training for
10 any of the crew of the Dali in connection
11 with the March 25th blackout?

12 A. March 25th blackout, after that, I
13 didn't conduct any training in any of
14 the -- related to the blackout.

15 Q. Did you ask anybody onboard the
16 ship prior to departure on March 26th whether
17 any training had been performed in connection
18 with the March 25th blackout?

19 A. No, I didn't ask anyone.

20 Q. Are you aware of whether any
21 training was performed in connection with the
22 March 25th blackout?

23 A. No, I'm not aware of that.

24 Q. Did you participate in any safety
25 meetings to discuss the March 25th blackout?

1 A. No.

2 Q. Are you aware of whether any
3 safety meetings were conducted in connection
4 with the March 25th blackout?

5 A. No, I don't remember.

6 Q. I mean, is that something you
7 would typically remember?

8 A. Yes, if something happens because
9 it's like an abnormal situation. If anything
10 happens, any meetings conducted like
11 suddenly, I should always remember.

12 Q. And, in fact, as the cheer officer
13 on the ship, when there's a safety meeting,
14 you're required to attend and sign in
15 acknowledging that you attended, correct?

16 A. That's correct. Depends upon --
17 suppose -- since they were doing some routine
18 job in the engine room, so they would have
19 conducted the toolbox meeting, and they would
20 have started the job. So if any like error
21 happened during that routine job, so after
22 the end of the job, they will be conducting
23 meeting with them only, not with me.

24 (Reporter clarification.)

25 A. With the engine department.

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1 BY MR. REISMAN:

2 Q. Did you report the March 25th
3 blackout to the United States Coast Guard?

4 A. No, I didn't report that.

5 Q. Who was responsible for reporting
6 the March 25th blackout to the Coast Guard,
7 if anyone?

8 A. If that blackout has to be
9 reported, then it should be the master.

10 Q. Do you know whether the master
11 reported the March 25th blackout to the Coast
12 Guard?

13 A. No, as far as I remember, no.

14 Q. Do you know whether the March 25th
15 blackout was required to be reported to Coast
16 Guard?

17 A. If any malfunction like breakdown
18 or failure of the equipment, it has to be
19 reported --

20 (Reporter clarification.)

21 A. If malfunction of the equipment or
22 failure or damage of any equipment, it has to
23 be reported to the Coast Guard.

24 BY MR. REISMAN:

25 Q. That's your understanding of the

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1 United States regulations on reporting marine
2 casualties?

3 A. Yes.

4 Q. Did you ever receive any training
5 on what types of incidents have to be
6 reported to the Coast Guard?

7 A. Yes, we used to receive a U.S.
8 pre-arrival checklist, so in that checklist,
9 we have the information related to the CFR.

10 Q. So that's the pre-arrival
11 checklist? Is that what you said?

12 A. Yes, that we normally used to
13 receive from the office before arriving in
14 the U.S. water, like ten days before.

15 Q. And that tells you what tests you
16 have to perform before arrival and before
17 departure, correct?

18 A. That's correct.

19 Q. Does it tell you on that
20 information you received from the office what
21 types of events or incidents must be reported
22 to the United States Coast Guard?

23 A. Yes, if any failure of critical
24 equipment, it has to be reported.

25 Q. That's what you were trained by

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1 Synergy shoreside managers, any failure of
2 critical equipment must be reported to the
3 Coast Guard?

4 A. I don't remember what the things
5 in that checklist. If any of the information
6 later to the reporting, if it was in the
7 checklist, we should have known that.

8 Q. Well, from your recollection of
9 the checklist, did the March 25th blackout
10 have to be reported to the Coast Guard?

11 A. Please repeat your question.

12 Q. Sure. From your recollection of
13 that checklist that Synergy shoreside
14 managers sent to the ship, did the March 25th
15 blackout have to be reported to the United
16 States Coast Guard?

17 A. That's what I -- that March 25th
18 blackout, it's like not a normal blackout.
19 Like when you say -- I repeat the answer.
20 Just wait.

21 The March 25th blackout, it's not
22 like any failure of the equipment or any
23 failure of any critical equipment. It's like
24 a mistake of some engineer did. So the
25 engineers know that what happened. So -- and

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1 that the error caused the blackout. So it
2 doesn't -- failure of any equipment caused
3 the blackout.

4 Q. So let me ask you this first. Is
5 it your understanding that the March 25th
6 blackout that you're aware of was an
7 intentional or an unintentional blackout?

8 A. It's the mistake of one engineer.
9 It's not -- it's unintentional.

10 Q. Unintentional?

11 A. That's what -- it's the mistake of
12 one of the engineer.

13 Q. I understand that, but I'm just --
14 I think you said it, but --

15 A. Mistake means it's unintentionally
16 closed the damper, so it caused the blackout.

17 Q. And I appreciate that. My
18 question -- and, again, I think you answered
19 it. I just couldn't understand the word you
20 used.

21 Was that blackout that you're
22 aware of that occurred on March 25th an
23 intentional blackout or an unintentional
24 blackout?

25 A. It's unintentional -- as far as

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1 the information I read from the NTSB report
2 and the -- from the NTSB report, I think it's
3 unintentional.

4 Q. And you're aware from reading the
5 NTSB report that there was a second blackout
6 on March 25th, correct?

7 A. Yeah, now I remember. It's like I
8 don't remember the full report from the --
9 questions from the other person, I remember.

10 Q. Mr. Walker asked you a question
11 earlier, when was the last time you read the
12 NTSB -- strike that. That was the
13 transcript.

14 When is the last time you read
15 the -- any of the NTSB reports on the Dali
16 allision with the Francis Scott Key Bridge?

17 A. When I was onboard.

18 Q. And when is the last time you were
19 onboard the ship?

20 A. I was onboard until June 21st, so
21 I don't remember when I read it. As far as I
22 remember, I think, once it was online, within
23 after one or two days, I read it.

24 Q. But you now -- in any event, you
25 now remember that the NTSB report indicated

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1 that there was a second blackout on
2 March 25th; is that true?

3 A. Yes, if the report says that, I
4 would have known that.

5 Q. I'm not sure I understood you. Do
6 you -- I'm asking you if you remember now
7 from reading to NTSB report that was there a
8 second blackout on March 25th?

9 A. No. Now I don't remember. But if
10 the report says two blackout, then it should
11 be. Like, when I'm reading, I would
12 understand that, but I don't recall whether I
13 read one blackout or two blackout.

14 Q. If the NTSB report said that there
15 was a second blackout on March 25th caused by
16 low fuel pressure, would that be something
17 that would be -- need to be reported to the
18 Coast Guard?

19 MR. BENNETT: Just note my
20 objection.

21 A. That depends upon the chief
22 engineer what he decides related to the --
23 that one, related to what the question was.

24 BY MR. REISMAN:

25 Q. So you don't know whether that

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1 would have to be reported the Coast Guard?

2 A. Yeah, related to the engine room,

3 no.

4 Q. Did anybody at Synergy ever train
5 you or teach you that you were to perform an
6 investigation of an unintentional blackout on
7 the ship?

8 A. No.

9 Q. Did anybody at Synergy ever teach
10 you or train you that you were required to
11 make reports to the Coast Guard of certain
12 events such as an unintentional blackout
13 caused by low fuel pressure?

14 A. As far as the information which I
15 have in the U.S. pre-arrival checklist, so if
16 the checklist says, we have to follow the
17 checklist.

18 Q. That's all you know is what's in
19 the checklist?

20 A. Yeah, right. Apart from that,
21 yes, related to the reportings.

22 Q. So if we were to look at the
23 pre-arrival checklist that was sent to the
24 ship, we would know what you were taught and
25 trained had to be reported?

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1 MR. BENNETT: Just note my
2 objection.

3 BY MR. REISMAN:

4 Q. Is that correct, sir?

5 A. For me, apart from that, yes, we
6 can say it like that. If the U.S.

7 pre-arrival checklist say that information.

8 Apart from that, we have a publication
9 onboard also, which is a CFR publication, so
10 it should be -- it could be in that booklet
11 also.

12 Q. Did you look at that booklet on
13 March 25th?

14 A. No, I didn't.

15 Q. When is the last time you looked
16 at that booklet?

17 A. I didn't look at.

18 Q. So if the booklet says that you
19 should have reported the March 25th blackout,
20 you wouldn't have known it because you didn't
21 look at booklet, correct?

22 A. Basically, the U.S. pre-arrival
23 checklist is like -- it's related to the
24 ship, so they collect the points from that
25 CFR, and they make this pre-arrival checklist

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1 so that it will be a quick access for the
2 onboard staff too. Instead of reading the
3 whole book, this will be helpful for the crew
4 to do the jobs what has to be done.

5 Q. Before you joined the Dali --
6 strike that.

7 You joined the Dali in January of
8 2024; is that right?

9 A. January 28, 2024.

10 Q. Had you ever worked on the Dali
11 before January of 2024?

12 A. No.

13 Q. So you were on your first trip on
14 that ship --

15 A. That's correct.

16 Q. -- at the time of the accident?

17 A. That's correct.

18 Q. Before you joined the Dali, did
19 you have any pre-joining familiarization
20 meetings in India?

21 A. That's correct, we had -- I had.

22 Q. And it happened in India?

23 A. It's happened in India.

24 Q. Did you have any pre-joining
25 familiarizations anywhere else before you

1 joined the Dali?

2 A. It happened in India.

3 Q. In other words, is that the only
4 pre-joining familiarization you had before
5 you joined the Dali?

6 A. Yes.

7 Q. I didn't ask that well, but you
8 helped me. So thank you.

9 Where was that meeting held? Was
10 that in-person meeting or was that done by
11 video?

12 A. The pre-joining familiarization is
13 like -- the IT department will train
14 the -- will send the courses and the
15 trainings for the -- depends upon the rank
16 and the sea for -- like type of ship or
17 experience.

18 Once the manning department sends
19 the ship, he will send the information to the
20 IT training, so they will decide what are the
21 trainings to be done for the person before
22 joining that type of ship.

23 So initially, I will be receiving
24 a link related to the pre-joining
25 familiarization courses like safety,

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1 environment, so a set of courses. So first I
2 will be finishing that courses; then we'll be
3 having a meeting in the teams. So few
4 instructor will be giving information, like
5 giving the briefing on the same safety
6 procedures, incident investigation, like
7 injury. So what is the root cause, what is
8 the corrective action, preventative action
9 taken in previous vessels where incidents
10 happened related to the environment and any
11 update on the latest regulations.

12 (Reporter clarification.)

13 A. Any update on the latest
14 regulations.

15 So that will be for one day. And
16 then the next day, we'll be given the
17 training on the softwares, what are the
18 softwares we have onboard like ShipMap,
19 HiMap, like DotMap, and all the software.
20 And once we finished with the training, we
21 send the mail to the training head that we
22 are finished with all the courses and other
23 teams briefing and IT briefing also. Then
24 there will be -- there will be -- they send a
25 day to come to the office, so then I go to

1 the office.

2 Q. Before we get into the office, I
3 want to you to tell me about it, but can we
4 talk about the pre-office things first?

5 A. Okay.

6 Q. Is that okay with you?

7 A. Yeah, okay.

8 Q. Because I don't want you to not be
9 able to tell me about it. I want to hear
10 about that.

11 A. Okay.

12 Q. But the courses that you
13 described, are any of those courses specific
14 to the Dali?

15 A. Specific to Dali, no. And
16 specific to Dali, if my -- like, there is a
17 course, ECDIS electronic chart digital
18 identity, ECDIS, that each vessel have a
19 different maker, so if that maker
20 certificate, if I don't have, I have to do
21 that course. So Dali, I already have that
22 certificate, so that was not required for me
23 to do that course again.

24 Q. So the only specific training or
25 testing or knowledge you would have gotten

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1 before the in-person meeting, which we are
2 going to hear about, would have -- that was
3 specific to the Dali would have been the
4 ECDIS course?

5 A. Yes, it would have been the ECDIS.

6 Apart from that, it's the normal general
7 briefing and pre-joining conversation.

8 Q. And you mentioned training on
9 software, and you mentioned a few of the
10 different software systems on the Dali. Did
11 your training include the SMARTShip system?

12 A. No, my training does not include
13 SMARTShip.

14 Q. Are you familiar with SMARTShip?

15 A. I know what it is, but I don't do
16 anything with SMARTShip when I was onboard.

17 Q. What do you understand SMARTShip
18 to be?

19 A. SMARTShip is like realtime data
20 that -- it collects the data from onboard,
21 and from the data they analyze the vessel
22 performance and operations, all those.

23 Q. Who is the that you said analyzes
24 the vessel data and performance?

25 A. That, I don't know who is

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1 analyzing that.

2 Q. Is that somebody in --

3 A. Ashore.

4 Q. Okay. Hang on. You're doing
5 fine, but we can't talk at the same time.

6 A. Okay.

7 Q. So maybe I jumped the gun a little
8 bit. And if I ever cut you off like that,
9 just tell me and -- but I will tell you also
10 so we can each speak one at a time. Okay?

11 A. Yeah.

12 Q. Who is it that you understand
13 analyzes and studies the vessel data and
14 performance information via SMARTShip?

15 A. As far as I know, I don't know who
16 is collecting data and who is analyzing the
17 vessel operation, all those things. But only
18 thing I know is there information is going
19 ashore.

20 Q. It's going to shoreside
21 management?

22 MR. BENNETT: Just note my
23 objection.

24 A. That, I'm not sure who is
25 collecting the data.

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1 BY MR. REISMAN:

2 Q. You know --

3 A. It should be the shore staff, but
4 I don't know whether it is separate
5 organization who is collecting data and
6 analyzing the performance and giving to the
7 Synergy or Synergy is collecting the data. I
8 don't know.

9 Q. But you understand that somebody
10 onshore is reviewing what you called the
11 realtime data from the Dali and analyzing it
12 to ensure that the Dali operates safely and
13 efficiently; is that correct?

14 MR. BENNETT: Just note my
15 objection. That's not what he said.

16 A. I don't -- the data they are
17 collecting is for what purpose they're using,
18 that I don't know. Whether it is for the
19 vessel performance or fuel performance or for
20 the safety reason, that I'm not sure.

21 BY MR. REISMAN:

22 Q. Do you know whether SMARTShip
23 sends notifications of alarms that occur
24 onboard the ship?

25 A. SMARTShip notification alarm

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1 onboard. It should be confirmed with the
2 electrical officer. I have no idea about it.

3 Q. The electrical officer is
4 responsible for alarms?

5 A. Yeah, electrical and electronics,
6 he should be responsible.

7 Q. Now, as the second -- strike that.

8 As the chief officer, you're the
9 second in command on the ship, correct?

10 A. Yes.

11 Q. You're the second highest ranking
12 officer?

13 A. Yes.

14 Q. And when the master is off of the
15 ship, you're the highest ranking officer?

16 A. That's correct.

17 Q. So, for example, on March 25th
18 when Captain Sabhapathy left the ship, and
19 the ship blacked out, you were the person in
20 command of the ship?

21 A. On March 25th when he
22 went shore leave, nobody informed me that he
23 went shore leave. So I have no idea about
24 whether he onboard or he went for shore
25 leave. On 24th, he went shore leave. That

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1 day, he informed me and he went. So that
2 time I was responsible for that absence of
3 master. So I know the duties in the absence
4 of master. On the 25th, since I don't know
5 whether he's onboard or shore leave, so I
6 have no idea about that.

7 Q. Okay. I'm glad you explained
8 that.

9 So on March 25th, you didn't learn
10 that Captain Sabhapathy had left the ship
11 until after he came back. Is that --

12 A. Yes.

13 Q. Did you find that out during the
14 course of dealing with the blackout?

15 A. After the blackout, I came to
16 know.

17 Q. So when you found out -- when you
18 realized that the ship had blacked out, did
19 you attempt to contact Captain Sabhapathy?

20 A. Yes, I informed captain.

21 Q. Was he on the ship or off of the
22 ship when you informed him?

23 A. That's -- when I'm speaking with
24 the chief engineer, captain was on the Dali
25 with the same -- on the same floor.

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1 Q. So they were just coming back to
2 the ship?

3 A. No, no. I saw he's coming out of
4 the cabin.

5 (Reporter clarification.)

6 BY MR. REISMAN:

7 Q. So you did not attempt to contact
8 Captain Sabhapathy to inform him of the
9 blackout while he was off of the ship?

10 A. After blackout, I was working on
11 resetting the alarms. So once I'm done with
12 the bridge, so my next step I have to go to
13 the ship's office. And I had equipments
14 like --

15 (Reporter clarification.)

16 A. I have all of the equipments in
17 ship's office, so I have to check on that
18 equipment. So I have to go down from bridge
19 to ship's office. So I just got done from
20 the bridge to the staircase. The captain
21 floor is one floor below the bridge. So
22 there I met the chief engineer and captain
23 while I'm going down to the ship's office.

24 Q. So I want to back up again. So
25 while the captain is away, you are in command

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1 of the ship, correct?

2 A. That's correct.

3 Q. And on March 25th, the captain was
4 away, but you didn't realize that?

5 A. That's correct.

6 Q. Until after he returned?

7 A. That's correct.

8 Q. So who was in command of the ship
9 at the time of the blackout?

10 A. If captain is away, I'm the
11 commander -- in case captain is away, I'm in
12 command. So -- but I don't know whether he's
13 onboard or not. As far as I remember, he's
14 onboard. I don't know whether he went to
15 shore leave or not. So as far as I know that
16 he's onboard. That's it.

17 Q. So -- and I understand that. So
18 March 25th at the time of the blackouts, you
19 were in command of the ship, but you didn't
20 know you were in command of the ship?

21 A. Yes. But on the time of the
22 blackout, I don't think whether he's in shore
23 leave or he's onboard, but when I saw he was
24 coming out of the cabin.

25 Q. When you learned that the ship had

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1 blacked out on March -- well, strike that.

2 Let's go back now couple of weeks
3 before that, I think, while the ship was in
4 Panama. You became aware that there was a
5 problem with the hydraulic brake, correct?

6 A. Yes.

7 MR. BENNETT: Asked and
8 answered.

9 BY MR. REISMAN:

10 Q. Did you participate in any risk
11 assessments after learning that the hydraulic
12 port anchor, hydraulic brake was inoperable?

13 A. I was not involved in any
14 discussions.

15 Q. Do you know whether anybody
16 onboard the ship participated in a risk
17 assessment with respect to the inoperable
18 port hydraulic anchor brake?

19 A. As far as I remember, I believe.

20 Q. Are you aware of any training that
21 was provided to any member of the crew with
22 respect to operating the manual break after
23 you learned that the hydraulic brake was
24 inoperable?

25 MR. BENNETT: Objection. Asked

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1 and answered several times.

2 A. Operating -- if the instruction
3 given to the crew that now the hydraulic
4 brake is not working, you have to use the
5 manual.

6 BY MR. REISMAN:

7 Q. Are you aware of any training that
8 was given to any member of the crew on how to
9 operate the manual break after you learned
10 that the hydraulic brake was inoperable?

11 MR. BENNETT: Objection. Asked
12 and answered.

13 A. It is not the special training
14 required to open the manual brake, so there's
15 no need for the special training for that
16 operation.

17 MR. REISMAN: I'm going object
18 as nonresponsive.

19 MR. BENNETT: It's perfectly
20 responsive. You're starting to get
21 argumentative with the witness.

22 MR. REISMAN: Okay. Thank you.

23 BY MR. REISMAN:

24 Q. My question is, are you -- not
25 whether training was required. My question

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1 to you is, are you aware of any training
2 being provided to any member of the crew on
3 the operation of the manual brake after you
4 learned that the hydraulic brake was not
5 working in Panama?

6 A. Apart from me, I didn't receive
7 any training instruction from any of the
8 master or chief engineer for any of the time.

9 Q. Are you aware of whether any
10 anybody else received that training?

11 A. I'm not -- no, nobody received any
12 training as far as I remember.

13 Q. Were you given any instructions or
14 guidance from any shoreside managers in terms
15 of how to proceed with anchoring operations
16 after the hydraulic brake became inoperable
17 in Panama?

18 MR. BENNETT: Objection. Asked
19 and answered.

20 A. I didn't receive any
21 information -- training or like safe
22 operating procedure related to the windlass.

23 BY MR. REISMAN:

24 Q. Do you know whether any safety
25 meetings were held to discuss anchoring

210

1 operations after the port hydraulic brake
2 became inoperable in Panama?

3 MR. DUFFY: That was just asked
4 and answered two minutes ago.

5 MR. BENNETT: Objection. Asked
6 and answered.

7 MR. REISMAN: No, if wasn't.

8 MR. DUFFY: It was.

9 MR. REISMAN: Safety meetings.

10 MR. BENNETT: Asked and
11 answered. Mr. Walker made it
12 perfectly clear.

13 BY MR. REISMAN:

14 Q. You can answer, sir.

15 A. We didn't have any safety meeting
16 related to that.

17 Q. I want to go back a minute to the
18 March 25th blackout. Are you aware whether
19 any March 25th blackouts were recorded in the
20 ship's logs?

21 A. As far as I remember, it could
22 have been recorded in the engine logbook,
23 chief engineer logbook.

24 Q. Could or would? I'm not sure what
25 word you used.

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1 A. They might have recorded in the
2 chief engineer logbook or the engine room
3 logbook.

4 Q. In the engine room logbook?

5 A. Yeah.

6 Q. Did you record it in the deck
7 logbook?

8 A. No.

9 Q. Do you know if anybody recorded it
10 in the deck logbook?

11 A. That, I don't know.

12 Q. Do you know whether it was
13 required to be recorded in the deck logbook?

14 A. It's not required on the deck
15 logbook unless if you're underway.

16 Q. That's what you were trained?

17 A. It's not trained as far as to my
18 knowledge.

19 Q. I stopped you before. I want to
20 go back to it because you were starting to
21 answer, and it wouldn't be fair if I didn't
22 let you.

23 So we were talking about the
24 pre-joining familiarization --

25 A. Yes.

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1 Q. -- and you talked about the
2 coursework you did.

3 A. Yes.

4 Q. The courses you took, those were
5 on computer?

6 A. Yes pre-joining information
7 courses is on computer.

8 Q. And then I think what you said,
9 where I stopped you before, was that "and
10 then you came to the office"?

11 A. Yes.

12 Q. When did you go to an office as
13 part of the pre-joining familiarization for
14 the Dali?

15 A. Before joining, like three days or
16 two days or four days -- three days.

17 Q. How long did that office training
18 last?

19 A. In office we used to have a
20 face-to-face in person conversation with each
21 superintendent. So as far as I remember, it
22 could be like less than one hour with
23 everyone. It's like separate, not with a
24 group of person.

25 Q. So you meet with each of the

213

1 superintendents for one hour each? Is that
2 what you said?

3 A. Yeah, less than one hour.

4 Q. Less than one hour each?

5 A. Yeah.

6 Q. Okay. And had you ever worked on
7 one of the Dali's sister ships before January
8 of 2024?

9 A. Dali sister ship, no.

10 Q. And so when you attended the
11 pre-joining familiarization with the
12 tech -- with the superintendent -- was it the
13 superintendents you told me?

14 A. Yes.

15 Q. Was -- were you in those meetings
16 alone with the superintendents or were there
17 other Synergy crew members in those meetings?

18 A. No, it's -- I'm alone with direct
19 face-to-face with the superintendent. It's
20 just between -- it's only two of them.

21 Q. Is it the technical superintendent
22 and the marine superintendent?

23 A. Yes, that's correct.

24 Q. Okay. And it was just you and the
25 technical superintendent and then you and the

214

1 marine superintendent?

2 A. That's correct.

3 Q. And did they give you specific
4 information with respect to the Dali?

5 A. Yes.

6 Q. Do you remember what they told you
7 about the Dali?

8 A. Yes. They told about the route,
9 charts, and what are the maintenance going
10 on, what are the inspections completed, what
11 are the inspections due. Then they showed
12 some pictures of the maintenance, and they
13 showed the pictures of when they -- when they
14 did the internal audits and what are the
15 maintenance going on now. So what are the
16 maintenance I should focus on. What the
17 maintenance I should carry out after I join
18 in the ship.

19 And after that, training the crew,
20 motivating the crew, the safe working
21 procedures, safe cultures. Like, apart from
22 that, ship, they give us also briefing
23 related to safety.

24 Q. Would you agree that that
25 in-person meeting face-to-face alone with the

215

1 technical superintendent and then the marine
2 superintendent was important for you?

3 A. Yes.

4 Q. And you needed that in order to be
5 able to safely join and operate onboard the
6 Dali?

7 A. Getting the information about the
8 ship before joining, it will be like extra
9 credit, like it's good information.

10 Q. So if you don't have it before you
11 join, you get it sometime after you join,
12 correct?

13 A. No. Always before joining.

14 Q. Always before. It's important you
15 get it before?

16 A. Yeah, that's correct.

17 Q. Once you're on, you're working.
18 The ship is underway and --

19 A. Yeah, correct.

20 Q. You need to have that information
21 before you join?

22 A. That's correct.

23 Q. Do you remember the names of
24 either of those superintendents that you met
25 with?

1 A. Yes, marine superintendent,
2 Mr. Melroy, and technical superintendent
3 Mr. Karthik Nair.

4 Q. So the marine superintendent
5 was --
6 (Reporter clarification.)

7 | BY MR. REISMAN:

8 Q. So you refer to Mr. Melroy, that's
9 Melroy D'Souza?

10 A. That's correct.

11 Q. And he's the marine
12 superintendent?

13 A. That's correct.

14 Q. And your understanding was that
15 Karthik Nair was the technical
16 superintendent?

17 A. That's correct.

18 Q. Did he introduce himself to you as
19 the technical superintendent or you just
20 assumed that that was the his title?

21 A. No, initially they introduced
22 themselves.

23 Q. Did you have any other meetings
24 before you left India to join the Dalai?

25 A. Yes, with the fleet manager also.

1 Q. Who was the fleet manager?

2 A. Mr. Ravi Sekhar.

3 Q. Ravi, S-E-K-H-A-R?

4 A. That's correct.

5 Q. Ravi is --

6 A. I'm not sure whether he's a fleet
7 manager or a marine manager. I cannot recall
8 now, but I know the -- I can remember the
9 name.

10 Q. And you met with -- and it's Ravi,
11 R-A-V-I?

12 A. That's correct.

13 Q. You met with Mr. Sekhar before or
14 after you met with Mr. Nair and Mr. D'Souza?

15 A. Mr. Ravi Sekhar is the last person
16 I met.

17 Q. And what did he cover with you?

18 A. He covered with the
19 same -- nothing about the ship, but the
20 safety procedures.

21 Q. So he -- it was your understanding
22 that he was responsible from a shoreside
23 perspective for the safety procedures onboard
24 the Dali?

25 A. Yes, I could say that.

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1 Q. When the Dali sends e-mails, do
2 you know who has to be copied on those
3 e-mails?

4 A. Yes, from Dali, what e-mail
5 goes -- it should be marine superintendent
6 and technical superintendent, and that's one
7 common name.

8 Q. That is one what?

9 A. One common name like --

10 Q. Like a group?

11 A. Yeah, a group.

12 Q. Is that the VGDali --

13 A. That's correct.

14 Q. -- at synergy.sg?

15 A. That's correct.

16 Q. Do you know who the individuals
17 are who are subscribed to that VGDali --

18 A. No, I have no idea.

19 Q. Let me finish. You knew where I
20 was asking. That's all right. But let me
21 finish so we have a clean record.

22 Do you know who the individuals
23 are who receive e-mails via the
24 VGDali@synergy.sg group?

25 A. No, I have no idea.

1 Q. Do you know whether Mr. Sekhar is
2 one of the individuals who receives those
3 e-mails?

4 A. No, I have no idea.

5 Q. Going back to Panama now. You
6 explained to Mr. Walker how the anchor was
7 retrieved in Panama, and it was done using
8 the manual brake, correct?

9 A. Yes.

10 Q. Is that the first time you had
11 ever seen the manual brake used onboard the
12 Dali?

13 A. That's the first time I dropped
14 the anchor in Dali, Panama.

15 Q. I assume that means, yes, that's
16 the first time?

17 A. That's correct.

18 Q. So that was the first time you had
19 seen the manual brake used on the Dali?

20 A. Used means for the operation it
21 was used because during maintenance, during
22 inspection also, I used to go around the
23 windlass.

24 Q. Did you ever open that brake
25 yourself?

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1 A. Myself, no.

2 Q. I told you I was going to bounce
3 around a little bit. So just give me some
4 time here, if you don't mind.

5 MR. BENNETT: Do we need to
6 break for lunch?

7 MR. REISMAN: No, I'm just
8 scrolling through my notes.

9 MR. BENNETT: Timewise?

10 MR. REISMAN: I don't think I'll
11 be very long. I don't know -- I can't
12 speak for anybody else, but I'm going
13 through and picking up a few notes.

14 So if you need to take a lunch
15 break or if you need to take a lunch
16 break, I'm happy to do that, but I
17 don't think it's necessary.

18 Is he okay to keep going?

19 MR. DUFFY: He's okay to keep
20 going.

21 MR. REISMAN: Okay. And if that
22 changes --

23 MR. DUFFY: We'll see if this
24 is.

25 (Simultaneous unreportable crosstalk.)

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1 MR. REISMAN: Right. Again, I'm
2 just bouncing around here, so I don't
3 think I have very much.

4 BY MR. REISMAN:

5 Q. Are you aware of any reason why
6 the Dali could not have remained in Panama
7 until the hydraulic brake was repaired?

8 A. Please repeat.

9 Q. Sure. So you told us earlier that
10 you were aware that the hydraulic port -- the
11 port anchor hydraulic brake became inoperable
12 while the ship was in Panama.

13 Are you aware of any reason why
14 the Dali could not have stayed in Panama
15 where it was until that brake was repaired?

16 A. No.

17 Q. You told Mr. Walker before that
18 many ships, I think most of the ships that
19 you worked on, almost all of the ships you
20 previously worked on did not have a hydraulic
21 brake, correct?

22 A. Yes.

23 Q. I'm sorry. Go ahead.

24 A. The beginning, I remember one of
25 the ships had the hydraulic system, but it

222

1 was not in operation. But that ship was
2 using manual wheel. After that, all of ships
3 which I worked on was manual wheel.

4 Q. And you told us about the DP
5 vessel, and it sounded like a shark jaw --

6 A. Yes, that's correct.

7 Q. Okay. Do you know why the Dali
8 had a hydraulic brake?

9 A. Why it had? No. It could be the
10 latest design or like the owners want the
11 ship to the extra options for loading, like
12 additionally. It depends upon the owner how
13 the -- he wants to ships to be designed or
14 how he wants the additional options to be for
15 the equipment.

16 Q. All right. So let's go now to
17 March 26th. When Mr. Walker was asking you
18 some questions, he asked you about the bosun
19 and whether he was able to open the brake.

20 Do you recall that --

21 A. Yes.

22 Q. -- line of questioning?

23 Are you familiar -- and you
24 mentioned that an AB went and helped him?

25 A. Yes.

223

1 Q. That AB was Shiju?

2 A. That's correct.

3 Q. Is Mr. Shiju an honest person in
4 your experience?

5 A. Yes, he's a very honest person.

6 Q. Are you aware that Mr. Shiju wrote
7 a statement and provided that, similar to the
8 way you did?

9 A. Onboard. Everybody written the
10 statement, so he would have. He also have
11 written the statement, I think.

12 Q. I'm going to show you a
13 copy -- actually, this is -- that's the wrong
14 one. I'm going to show you a copy --

15 MR. WALKER: For the evidence
16 tech who's out there, Item K, it
17 should be a statement
18 Petitioner_0604721.

19 DOC TECH: Thank you.

20 BY MR. REISMAN:

21 Q. I asked you to just take a look at
22 that and tell me when you've had a chance to
23 read it.

24 MR. WALKER: What's the next
25 exhibit number? 55.

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1 MR. BENNETT: Are you marking it
2 as an exhibit?

3 MR. REISMAN: Yeah, we're going
4 to attach it.

5 While he's doing that, this
6 is -- the statement is identified with
7 Bates Petitioner 604721 and we're
8 going to attach it as Exhibit 55.

9 (Exhibit 55 was marked for
10 identification.)

11 (Reviewing document.)

12 MR. REISMAN: While he's looking
13 at that, we'll go ahead -- we're also
14 going to attach as Exhibit 56 --

15 MR. WALKER: For the technician
16 this will be Exhibit H in the
17 documents I provided.

18 MR. REISMAN: This is another
19 statement from another crew member
20 Sunil Kumar, S-U-N-I-L, K-U-M-A-R,
21 Petitioner 604720.

22 MR. BENNETT: That's going to be
23 Exhibit 56?

24 MR. WALKER: That's going to be
25 56.

225

1 (Exhibit 56 was marked for
2 identification.)

3 BY MR. REISMAN:

4 Q. Sir, have you looked at Shiju's
5 statement yet?

6 A. Yes.

7 Q. Okay. We're ready to talk about
8 it?

9 A. Should I read the Vaz also?

10 Q. No, we'll do that one next. Thank
11 you, though. We were just getting some
12 housekeeping out of the way while we had
13 little downtime. So you've had a chance to
14 read Shiju's written statement. You told us
15 you think he's a very honest man?

16 A. Yes.

17 Q. Now that you've read the
18 statement, do you have any reason to believe
19 that anything contained in the statement is
20 untrue?

21 A. This is his statement. I cannot
22 say whether it's true or not.

23 Q. I understand that. My question to
24 you, though, is little bit different.

25 Do you have any reason to believe

226

1 that anything in that statement is untrue?

2 A. As far as I know, I don't -- like
3 I didn't see anything initially. It's all
4 the information I got. So I cannot -- which
5 is true, which is untrue, whether the
6 information from the other guys or the
7 information from him is true.

8 Q. And I appreciate that. My
9 question is more aimed at, for example, is
10 there anything in here that you know is not
11 true?

12 A. Because I don't know all
13 the -- what other things happened, I was not
14 present in that situation. So I cannot say
15 whether it is true or not.

16 Q. And I understand that. And I
17 think we are just not communicating, so I'm
18 going to try it one more time. I'm not
19 asking you that.

20 A. Okay.

21 Q. My question is that, as you read
22 this, is there anything in here that you look
23 at and say, I know that is not true?

24 A. That I cannot say.

25 Q. There's nothing in here that you

227

1 look at and say and know is untrue; am I
2 correct?

3 A. That's correct.

4 Q. Thank you. And so, first, I want
5 to talk about this, and there was discussion
6 with Mr. Walker, and I don't know that it was
7 clear. So I want to make sure we get it
8 clear. According to Shiju's statement, where
9 was he at the time of the blackout?

10 A. So he was in the aft station. He
11 was doing the scuppers.

12 (Reporter clarification.)

13 MR. REISMAN: S-C-U-P-P-E-R-S.

14 BY MR. REISMAN:

15 Q. And tell us where exactly on the
16 ship is the aft station?

17 A. It's the extreme aft.

18 Q. The extreme aft?

19 A. Because he mentioned the aft
20 station.

21 Q. And that's the stern of the ship?

22 A. And he was securing the ropes in
23 the aft station.

24 Q. So he was -- he was at the --

25 A. Extreme aft of the ship.

228

1 Q. Okay. And just so we're clear,
2 the bosun who was standing by with the
3 anchors at that time was at the extreme bow
4 of the ship?

5 A. That's correct.

6 Q. And then Mr. Shiju said, while
7 climbing the stairs, I heard master informing
8 bosun to stand by.

9 Do you know what stairs he would
10 be referring to there?

11 A. It could be -- we have a stair
12 from the aft station like from port deck to
13 the main deck. So aft station means it's
14 like a port deck where we have all the
15 mooring winches. So to come on the main deck
16 that is on stair, we have to climb up -- we
17 had to come to the main deck. So from the
18 main deck, if you walk, you can come to the
19 accommodation.

20 Q. You gave some estimates to
21 Mr. Walker earlier, and I was impressed that
22 you were able to be fairly specific. I'm
23 going ask you, can you estimate for us what
24 the distance is from those stairs to the
25 anchors on the bow?

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1 A. From aft to bow, the vessel is 300
2 meter. So if you think the aft station port
3 deck is 10 meter, then it should be like 290
4 or 285.

5 Q. So 285 to 290 meters is your
6 estimate of the distance from where Shiju was
7 to where the anchor was?

8 A. He mentioned while climbing the
9 stairs. I cannot say that that is the
10 staircase he was climbing. It could be the
11 accommodation -- he could be climbing the
12 accommodation staircase. He didn't mention
13 which staircase.

14 Q. And then you see that Shiju wrote
15 in his statement that after the master
16 ordered the bosun to drop the port anchor,
17 Shiju heard the bosun reporting that he
18 cannot drop the anchor by himself.

19 Do you see that?

20 A. Yes.

21 Q. Has anybody told you that the
22 bosun never said that?

23 A. Nobody told me he's never said
24 that.

25 Q. And then Shiju started running

230

1 forward, right?

2 A. Yes.

3 Q. And now, from reading this, when
4 Shiju arrived on the bow, how long do you
5 think it would take from those aft steps to
6 get to the anchor if you were running? He
7 said he was running.

8 A. That's what I told, that timing, I
9 cannot say how he ran, whether he is fast
10 running or is slow running or is walking. He
11 should be running because it's an emergency.

12 Q. Well, he said he was running.

13 A. Yeah, he said he was running.

14 Q. To be fair to him, he said he was
15 running.

16 A. That's what I don't know, how fast
17 he ran to go forward.

18 Q. How long do you think it would
19 take you to run from those stairs to the
20 anchors?

21 A. Maybe one or two minutes.

22 Q. One or two minutes? Okay. And
23 Shiju reported in the statement that, when he
24 got there, the bosun was trying to open the
25 brakes but to avail no success.

1 A. Yes.

2 Q. Any reason to believe that Shiju
3 got that wrong?

4 A. As soon as he reached forward, the
5 bosun was trying to open the brakes but to
6 avail no success. This statement, it's like
7 -- he's not like good in English, so he
8 should have been told some duty officer or
9 the junior -- like second officer. He would
10 have been typing this statement. So he would
11 have been given in the Hindi or his local
12 language, so this should be written by the
13 second officer based on his -- like what was
14 the status.

15 He might would have been told like
16 that he was trying to open, and he opened
17 only two to three turns, but he didn't open
18 fully. After that, I went and helped him so
19 that we both opened it. So that means the
20 bosun didn't -- success in opening fully the
21 manual brake.

22 Q. You're guessing?

23 A. Yeah, this is my guess.

24 Q. So I just want to be -- hang on a
25 second. Just one at a time. So just to be

232

1 clear --

2 MR. BENNETT: Just note my
3 objection.

4 BY MR. REISMAN:

5 Q. -- the statement you just made was
6 a guess?

7 MR. BENNETT: Just note my
8 objection.

9 A. Yeah, it's a guess. I guess means
10 like -- I don't say that Shiju is this very
11 much good in English, which was typed here.

12 BY MR. REISMAN:

13 Q. And you see that --

14 A. To make it like short and sweet
15 like here, the second officer was written in
16 such a way.

17 Q. Were you there when Shiju was
18 dictating his statement?

19 A. No, I was not.

20 Q. Do you know what he said other
21 than that what's reported on this piece of
22 paper?

23 A. No, I don't know.

24 Q. And anything you would say with
25 respect to what Shiju meant here would be a

233

1 guess, correct?

2 A. Yes, that's correct.

3 Q. And you see that Shiju said that
4 both of us together tried to open the brakes,
5 and the brakes were fully opened, and the
6 port anchor was let go?

7 A. Yes, that's correct.

8 Q. And you see that he also reported
9 that, as soon as the anchor touched the
10 bottom, the ship's starboard bow collided
11 with the bridge?

12 A. Yes.

13 Q. You weren't there to hear when
14 Shiju dictated any of that, correct?

15 A. Yes.

16 Q. Do you know who Shiju dictated his
17 statement to?

18 A. No, it should be one of the two
19 second officers.

20 Q. Alan or Mr. Bisht?

21 A. Yes.

22 Q. Do you know what language Shiju
23 speaks?

24 A. He speaks Malayalam.

25 (Reporter clarification.)

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1 Q. I don't think that was helpful,
2 but we appreciate the effort.

3 Can you -- yeah, a little slower.
4 We may need the interpreter to give us the
5 spelling.

6 THE INTERPRETER: M as in Mary,
7 A as in alpha, L as in lima, A as in
8 alpha, Y as in Yankee, A as in alpha,
9 L as in lima, A as in alpha, and M as
10 in Mary.

11 MR. REISMAN: That's a mouthful.
12 I'm not even going to try and
13 pronounce that word.

14 THE INTERPRETER: It's a
15 palindrome.

16 MR. REISMAN: Yeah. Yeah, it
17 is.

18 BY MR. REISMAN:

19 Q. Do you speak that language, sir?
20 A. No. One of the second officers
21 speaks that language, so as far as I guess,
22 he would have spoken -- told him in his
23 language to the other guy who was -- both
24 speaks the same language.

25 Q. When second officer speaks that

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1 language?

2 A. Alan.

3 Q. So if you had been standing right
4 next to Shiju as he was dictating his
5 statement you wouldn't know what he was
6 saying?

7 A. Yes.

8 Q. Did you ever go up to the bow of
9 the Dali or see photographs to see where
10 exactly the ship hit the bridge -- where on
11 the Dali it hit the bridge?

12 A. Once the salvage team came, I
13 don't remember on the same day or the next
14 day, I just went on the boat to check the
15 shipside with the salvage master.

16 Q. To --

17 A. With the salvage master.

18 Q. No, to check what?

19 A. The check on the shipside.

20 Q. The shipside?

21 A. Shipside on the forward part of
22 the boat. Whether the starboard anchor has
23 fallen down or we have -- still have the
24 starboard anchor, so that was the shipside
25 whole damage -- just to assess the damages.

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1 Q. And when you did that, were you
2 able to see which part of the Dali made
3 contact with the bridge?

4 A. That I cannot say because the
5 whole starboard bow from like foxhole to the
6 nearby number one cargo, the whole part was
7 -- got damaged.

8 Q. Do you know what the beam of the
9 ship is?

10 A. 45.

11 Q. 45 meters?

12 A. That's correct.

13 Q. Do you know whether the impact
14 with the bridge was to the starboard or the
15 port or directly on the center?

16 A. It's on the starboard bow.

17 Q. Starboard bow?

18 A. Yeah.

19 Q. That's -- somewhere in that area
20 is where the ship made contact with the
21 bridge?

22 A. That's correct.

23 Q. Do you know whether that point of
24 impact on the starboard bow was closer to the
25 center or closer to the starboard?

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1 A. Because on the starboard -- it
2 should be nearby number one cargo of
3 starboard side. It should be nearby number
4 one cargo starboard side.

5 Q. Does that tell you --

6 A. This is -- I'm not hundred percent
7 sure. I'm just guessing and telling because,
8 after hitting -- the forward part might be
9 damaged because of the bridge fallen. So
10 before that also we had the damages. So it
11 could be that the part first hit the pillar
12 first.

13 Q. So you can't tell us precisely
14 where the bow made contact?

15 A. That's correct.

16 Q. Other than starboard of the center
17 line?

18 A. Yes, I can say that.

19 Q. Okay. If you want take a look at
20 that other statement now. We have attached
21 that one as 56, right?

22 This is -- as he's reading it, I
23 will just identify it. Again, we have
24 attached as Exhibit 56 Statement of Fact
25 Ordinary Seaman Sunil Kumar bearing

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1 Petitioner 604720.

2 Just let me know when you're
3 ready.

4 Have you had a chance to read it?

5 A. Yes.

6 Q. Okay. Do you know Kumar Sunil?

7 A. Yeah, Sunil Kumar, he's the
8 ordinary seaman.

9 Q. Okay. So I reversed it.

10 A. Yeah.

11 Q. It's Sunil Kumar?

12 A. Yeah, correct.

13 Q. And I apologize to him.

14 Is -- in your experience, is Sunil
15 Kumar an honest person?

16 A. Yes.

17 Q. Do you know what language he
18 speaks?

19 A. He speaks Tamil.

20 Q. Tamil. And that's the same
21 language you speak?

22 A. Yes.

23 Q. Have you ever spoken to Sunil
24 Kumar about what happened between departing
25 Baltimore on March 26th and the time when the

1 ship hit the bridge?

2 A. No.

3 Q. So reading his statement today, is
4 this the first time you've come to learn what
5 he has to say about what happened?

6 A. Yes.

7 Q. Do you have any reason to believe
8 that anything in his statement is untrue?

9 A. No.

10 Q. And you see that Sunil Kumar said
11 that he heard the bosun say that he could not
12 lower the anchor himself?

13 A. Yes.

14 Q. And that he was requesting
15 assistance?

16 A. Yes.

17 Q. And he also says that the captain
18 repeatedly said, let go, let go, let go the
19 anchor?

20 A. That's what's written.

21 Q. Are you aware, other than reading
22 either of two statements I've shown you
23 today, that Captain Sabhapathy repeatedly
24 ordered that the port anchor be let go for a
25 period of close to two minutes?

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1 A. Yes.

2 Q. Where did you come to learn that?

3 A. Let go, let go. One I can
4 remember is from the VDR, apart from the
5 bosun and other statement.

6 Q. So you heard the VDR and heard
7 Captain Sabhapathy repeatedly for a period of
8 almost two minutes ordering that that port
9 anchor be let go, correct?

10 A. Yes.

11 Q. And the port anchor was not let go
12 for close to two minutes after it was
13 ordered, right?

14 A. Please repeat.

15 Q. The port anchor was not let go for
16 nearly two minutes after Captain Sabhapathy
17 first ordered that it be let go, correct?

18 A. That -- I don't remember how many
19 minutes, how long it was.

20 Q. I want to go back again. I told
21 you I was going to bounce around, and I
22 apologize for this.

23 Back to March 25th briefly. You
24 told Mr. Walker that when you discovered that
25 the ship had blacked out on March 25th, you

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1 called the ECR?

2 A. Yes.

3 Q. And you spoke with the electrical
4 officer?

5 A. As far as I remember, it's trainee
6 electrical officer.

7 Q. Oh, the trainee electrical
8 officer?

9 A. Yes.

10 Q. Okay. I'm glad we clarified. I
11 didn't understand that.

12 Is the trainee electrical officer
13 the only individual you spoke with in the ECR
14 that day?

15 A. Yes.

16 Q. Mr. Walker asked you about the
17 fact that you are living in -- close by to
18 some of the other crew members from the Dali
19 since the incident.

20 Do you recall that?

21 A. Yes.

22 Q. Has anybody talked to you about
23 any of the depositions that have taken place?
24 And by anybody, I mean have any of the other
25 Dali crew members who are in Baltimore, have

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1 any of them talked to you about depositions?

2 A. No. But I know that who all went
3 for the depositions.

4 Q. And none of those individuals who
5 have already been deposed have told you
6 anything that was asked or anything that was
7 said --

8 A. Yes --

9 Q. -- in the depositions?

10 A. -- they didn't say anything about.

11 Q. Did you ask them?

12 A. No, I didn't ask them.

13 Q. You weren't --

14 A. Because I don't want to because my
15 version should be what I'm having in my --

16 Q. Whatever you answer, just if your
17 lawyer told you something, I don't want you
18 to tell me that.

19 A. No, Mr. Duffy didn't say what --

20 (Simultaneous unreportable crosstalk.)

21 BY MR. WALKER:

22 Q. I just -- you can tell me what you
23 think as long as it wasn't something that he
24 told you.

25 A. Okay. Mr. Duffy -- the

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1 preparation is like he just showed me how the
2 preparation -- like deposition goes. He
3 showed some YouTube, like old the YouTubes
4 that how a person in deposition introduce
5 himself, all this kind of stuff. He didn't
6 say like you should this thing, you should
7 say -- the only thing --

8 MR. REISMAN: Is this you?

9 MR. DUFFY: We can just stop.

10 MR. REISMAN: Okay.

11 MR. DUFFY: He wasn't going to
12 say anything bad.

13 MR. REISMAN: I know, but I --
14 (Off-record discussion.)

15 A. The only thing he said is like
16 just you tell the truth and what was -- what
17 you remember.

18 BY MR. REISMAN:

19 Q. You mentioned to Mr. Walker that
20 there was a computer, the second officer's
21 computer, not a personal computer, but the
22 computer assigned to the second officer that
23 was on the bridge and that you used that to
24 watch to VDR.

25 Do you recall that?

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1 A. It's not like only the second
2 officer should use that computer. Anybody
3 can use, but he has his stuff in that
4 computer which is related to the bridge. So
5 the VDR software is installed in that
6 computer, so we put that VDR in that
7 computer.

8 Q. Thank you. I understand now. I
9 appreciate that.

10 That computer, did it -- was it
11 still on it Dali the last time you were on
12 the Dali?

13 A. Until I sign off, it was onboard
14 Dali.

15 Q. Do you know one way or the other
16 whether it's still on the Dali today?

17 A. I don't know. It might be second
18 officer would have deleted or it has to be
19 onboard means it will be onboard.

20 Q. Nobody has told you that that
21 computer was removed or taken or destroyed;
22 am I correct?

23 A. Yes, nobody told us.

24 Q. You also talked with Mr. Walker
25 about that fact that there was a -- an

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1 interruption of the VDR.

2 Do you recall that?

3 A. Yes.

4 Q. And during the period apparently
5 of a blackout?

6 A. Yes.

7 Q. And that VDR is designed to not
8 have an interruption. There's a backup power
9 source, a UPS for that system, isn't there?

10 A. That's correct.

11 Q. Who onboard the Dali is
12 responsible for maintaining the UPS?

13 A. UPS is electrical officer. I
14 don't -- I cannot say like that whether it is
15 the power backup or it's by the UPS or the
16 separate emergency backup power. I'm not
17 sure whether it has the UPS. I don't think
18 -- it should be the emergency backup power,
19 not the UPS.

20 Q. You don't know --

21 A. Yeah, I don't know about that
22 because UPS is -- VDR should be connected to
23 the emergency backup, not the UPS.

24 Q. There was also -- there were also
25 some questions about the bow thruster and a

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1 question about its effectiveness above or
2 below five knots.

3 Do you remember that line of
4 questioning?

5 A. Yes.

6 Q. Have you ever attempted to operate
7 the bow thruster on the Dali while the ship
8 was travelling at a speed of greater than
9 five knots?

10 A. On Dali, I never operated bow
11 thruster.

12 Q. Never operated at all?

13 A. Yes, I never operated at all.

14 Q. So you don't know whether the bow
15 thruster on the Dali would have had an effect
16 in turning the ship had it been used between
17 the time of the blackout and the time when
18 the ship hit the bridge, correct?

19 A. Yeah, since I never used it, I
20 have no idea whether it would be effective or
21 not effective, but the manufacturer
22 instructions says that means it should be
23 what the manufacturer says.

24 Q. Does the -- to your knowledge -- I
25 know Mr. Walker asked you about the tag or

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1 the placard that's on the bow thruster. But
2 do you know whether the manufacturer's
3 position is that the bow thruster has no
4 effect on the ship at speeds above five
5 knots?

6 A. Yeah, that's what the manufacturer
7 says.

8 Q. They said that the bow thruster
9 will have no effect at all above five knots?
10 That's your understanding?

11 A. I cannot recall what it was
12 written nearby the bow thruster. As far as I
13 remember, that it won't be effective above
14 five knots. It's not only on Dali, it's all
15 the ships. All the ships the same procedure
16 is written near the bow thruster, so in all
17 the ships, it is the same thing, the bow
18 thruster won't be effective more than five
19 knots.

20 Q. There were times when you were on
21 watch on the bridge while the ship was in
22 navigating waters, correct?

23 A. Yes.

24 Q. And there were times when you were
25 on the bridge when the ship was either

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1 arriving or departing a berth?

2 A. Yes.

3 Q. When you attended that pre-joining
4 familiarization meeting in India before you
5 joined the Dali, did Karthik Nair ever tell
6 you whether the bow thruster could be used at
7 speeds greater than five knots?

8 A. Nobody given any information about
9 the bow thruster.

10 Q. Did Mr. D'Souza tell you whether
11 the bow thruster could be used at speeds
12 greater than five knots?

13 A. No.

14 Q. Did Mr. Sekhar tell you whether
15 the bow thruster could be used as speeds
16 greater than five knots?

17 A. No.

18 Q. Did anybody ever tell you not to
19 use the bow thruster at speeds greater than
20 five knots?

21 MR. BENNETT: Just note my
22 objection.

23 A. It's of the manufacturer
24 instruction.

25

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1 BY MR. REISMAN:

2 Q. But you're not sure what the
3 manufacturer's instruction -- you have been
4 very clear about that, right?

5 A. Yeah, manufacturer instruction
6 says that if you use -- when the speed is
7 above five knots, the BT is not going to be
8 effective.

9 Q. Okay. My question is different.

10 Has anybody ever told you not to
11 use the bow thruster at speeds over five
12 knots?

13 MR. BENNETT: Just note my
14 objection.

15 A. The manufacturer says not to use.
16 Apart from that, it's the basic thing. It's
17 not only on this ship. On all the ships, we
18 never use the bow thruster above five knots
19 because it's going to damage the bow
20 thruster. So that is the reason we don't
21 use. We won't try for that, like, let's try
22 above five knots whether it was working or
23 not. If you try that, it would be damaged
24 the bow thruster.

25 MR. REISMAN: I'm going to

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1 object as nonresponsive.

2 BY MR. REISMAN:

3 Q. My question -- and I'm going to
4 change my question to be a little more clear,
5 and maybe I will avoid the objection from
6 Mr. Bennett this time.

7 Did any Synergy shoreside manager
8 ever tell you that you could not use the bow
9 thruster on the Dali at speeds greater than
10 five knots?

11 A. Nobody from Synergy told me not to
12 use when the ship is doing five knots.

13 MR. BENNETT: Well done.

14 BY MR. REISMAN:

15 Q. And I want to make sure that I
16 understood the question and answer that
17 Mr. Walker had with you. Have you ever read
18 the Kawasaki manual for the bow thruster that
19 was onboard the Dali?

20 A. I didn't understand. What is
21 Kawasaki?

22 Q. Kawasaki -- do you understand the
23 bow -- it's called a side thruster -- that
24 the side thruster that's onboard the Dali was
25 manufactured by Kawasaki Heavy Industries?

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1 A. No, I have no idea about that.

2 Q. Have you ever seen a Kawasaki
3 manual? And I may have gotten heavy
4 industries wrong. So let's just ask you
5 this.

6 Have you ever seen a
7 manufacturer's manual for the side thruster,
8 also referred to as the bow thruster, that
9 was onboard the Dali?

10 A. No. There was no reason for me to
11 go and check the engine equipments
12 instruction.

13 Q. But yet, there were times when you
14 were onboard the Dali on the bridge where the
15 bow thruster may have been needed, correct?

16 A. Please repeat the question.

17 Q. There were times when you were on
18 the Dali's bridge where the bow thruster
19 could have been used?

20 A. In my time on bridge -- in my time
21 on bridge, the bow thruster was not required
22 because during, like, port arrival and
23 departure, I was not on bridge. So when I
24 was on bridge, I was doing more than like
25 15 knots, like that. So after doing

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1 pilotage, I used to go on deck. So during
2 manual routine, I never on bridge on Dali.

3 Q. Have you ever been told by anybody
4 that they operated the bow thruster on the
5 Dali at a speed greater than five knots?

6 A. Nobody told me.

7 Q. So you don't know what would have
8 happened had the bow thruster been used on
9 the Dali between the blackout and the
10 allision, do you?

11 A. Yes.

12 Q. You agree with me? What I said is
13 correct?

14 A. Yes.

15 MR. REISMAN: Thank you very
16 much, sir. That's all I have for you
17 now. I'm going to turn it over to
18 some of the other lawyers. I
19 appreciate your time today.

20 THE VIDEOGRAPHER: Going off the
21 record at 1:27 p.m.

22 (A brief recess was held from
23 1:27 p.m. to 1:53 p.m.)

24 THE VIDEOGRAPHER: We're going
25 back on the record at 1:53 p.m.

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1 EXAMINATION

2 BY MR. LOCHNER:

3 Q. Good afternoon. My name is Todd
4 Lochner I'm on behalf of the bevy of private
5 economic loss claimants. I have a few
6 questions for you.

7 A. Yes.

8 Q. I understand that Tamil is your
9 native tongue; is that correct?

10 A. Yes, correct. Tamil is my native
11 tongue.

12 Q. Do you also speak Hindi?

13 A. Yes.

14 Q. What other language do you speak?

15 A. Tamil, Hindi, and English. That's
16 it.

17 Q. I'm going to jump around as I'm
18 just trying to fill in areas, so I'm sorry.

19 Let's jump to Panama. Do you
20 recall testifying earlier that in Panama, the
21 chief engineer and the captain, the bosun,
22 the OS, the second engineer, and the chief
23 electrical officer were all on the bow at one
24 point in time?

25 A. Except second engineer, everybody

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1 was on the focus. Once the job was done,
2 finally the second engineer came.

3 Q. Who amongst those persons saw the
4 bosun and the OS actually turning the manual
5 anchor brake?

6 A. I saw them both turning the manual
7 brake.

8 Q. Did you also observe the captain?

9 A. Yes, captain also came forward,
10 but he was on forward. I don't think he was
11 there when they were opening the brake.
12 Because by that time, I don't think he
13 was -- I don't think he saw that action or
14 not.

15 Q. How about the chief electrical
16 officer? Did he see the operation --

17 A. Yes.

18 Q. -- of the manual brake.

19 A. Yes, chief electrical officer saw
20 that. Chief engineer saw that.

21 Q. How about the second engineer?
22 Did he see the operation of the manual brake
23 while you were in Panama?

24 A. That, I don't remember.

25 Q. And while we're discussing the

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1 operation of the anchor, although, I think I
2 understand what you meant when you said that
3 you used the brake and the walk back of the
4 anchor. Most of the people reading these
5 transcripts may not.

6 Can you please describe the
7 process of walking back the anchor?

8 A. So walk back the anchor is by
9 engaging the gear. So how we do that, like
10 normally anchor, extra lashings will kept
11 remote. So, usually, bosun will switch on
12 the windlass power, and he will use the lever
13 to turn the motor when the gear is -- like in
14 straight with the windlass gear, so he engage
15 that. So once it engaged, then he start
16 opening the brake.

17 So after opening the brake, now
18 the windlass is on the weight on the gear.
19 So with the gear, we lower the anchor. So
20 that is walk back.

21 Q. Thank you for that clarification.

22 With respect to the hydraulic
23 brake on the port anchor, you testified that
24 you could have stayed in Panama and fixed
25 that gear; is that correct?

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1 A. Based on the problem, if the -- if
2 any spare has -- if any of the part of the
3 equipment, like any of the spare, some small
4 part of the equipment has malfunction, and if
5 you don't have the spare, then we are to wait
6 for the spare to come onboard, and then we
7 rectify, and then we can go.

8 Q. So you didn't wish to wait for the
9 spare to come aboard, which is why you did
10 not fix the hydraulic brake gear before
11 departing Panama; is that correct?

12 A. That is master --

13 (Simultaneous unreportable crosstalk.)

14 (Reporter clarification.)

15 MR. BENNETT: Just note my
16 objection.

17 MR. DUFFY: I'm going to object
18 too because I think that misstates the
19 testimony.

20 MR. WALKER: And you said?

21 (Reporter clarification.)

22 A. That is master decision.

23 BY MR. LOCHNER:

24 Q. So the master made that decision,
25 but it is your understanding that the reason

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1 that you did not fix the hydraulic brake gear
2 before departing Panama is because you did
3 not wish to wait in Panama for the spare to
4 arrive on the ship?

5 A. My opinion is that since we don't
6 have the spare, we didn't rectify that
7 problem. And why we didn't wait in Panama is
8 the master decision, whether he has to wait
9 and get the spare or not to wait and let's go
10 and get spare in the next port.

11 Q. I understand it's the master's
12 decision, but I'm asking you a different
13 question. I'm asking, is it your
14 understanding that the reason you did not
15 make the repair in Panama is because you did
16 not wish to wait for the spare to arrive?

17 A. Yes, that could be one of the
18 reasons.

19 Q. And do you believe that was the
20 reason that you did not wait in Panama?

21 A. Yes, because we don't have the
22 spare, so it will take time for us to get the
23 spare. So it's up to the master decision
24 whether he has to be in Panama and get the
25 spare and rectify and go or we go to the next

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1 port and get the spare and rectify.

2 Q. I understand that it is up in the
3 master, but the question I asked, which you
4 initially answered, is that it was your
5 belief that that was part of the reason that
6 you did not wait in Panama because you did
7 not want to wait for the spare; is that
8 accurate?

9 A. That's correct.

10 Q. Now, you also said you could have
11 also done the same thing at another port,
12 correct?

13 A. Yes.

14 Q. For example, when you arrived
15 Newark, you could have waited for the spare
16 and made the repair on the hydraulic brake in
17 Newark, correct?

18 A. Yes, sure.

19 Q. Similarly, when you arrived in
20 Norfolk, you could have waited for the spare
21 to arrive and made the repair in Norfolk; is
22 that correct?

23 A. Yes, because in each and every
24 port, we stay at least one or two days. So
25 in that time, if he received the spare, the

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1 job would have been done.

2 Q. Similarly, you could have repaired
3 the hydraulic brake on the port anchor while
4 you were in Baltimore, correct?

5 A. Yes, if he received the spare, we
6 would have done that.

7 Q. I'm going to mispronounce this,
8 but Shiju speaks Malayalam?

9 A. That's correct, Malayalam.

10 Q. I was close.

11 A. Yes.

12 Q. What other languages does Shiju
13 speak?

14 A. He speak Tamil also, Hindi also,
15 and English also. Because I spoken with him
16 all these languages, but not Malayalam. I
17 don't know Malayalam.

18 Q. On March 26th, immediately
19 preceding the casualty after the first
20 blackout, were all three or four languages
21 being spoken amongst the crew on the ship?

22 A. Yes, people speak Tamil, Hindi,
23 English mixed up among the crew.

24 Q. And they might do that even more
25 so in an extremist situation, in an

260

1 emergency, correct?

2 A. Yes, in the emergency situation
3 also might have spoken. But when they speak
4 on walkie-talkie, mostly they use English.

5 Q. You did hear some Tamil on the
6 walkie-talkie during that period of time,
7 correct?

8 A. I didn't hear -- during that
9 incident, my radio was not on, so I didn't
10 hear anything what happened.

11 Q. So even after you departed your
12 cabin, you didn't hear any?

13 A. After coming out of the
14 cabin -- yes, after I come out of the cabin,
15 I heard captain was asking in Tamil about the
16 anchor to bosun, I think so.

17 Q. And were they also speaking on the
18 radio in Hindi as well?

19 A. Yes, Hindi -- I didn't hear
20 anything related -- I can't remember
21 anything. It's been a long time. It's
22 almost a year.

23 Q. Is it correct to say that on the
24 radio walkie-talkies, during the emergency,
25 there was a mix of at least three languages?

1 A. That's what I'm saying. Still I
2 cannot remember what are the things I heard
3 on the walkie-talkie during that time. So
4 this thing I heard. Apart from that, I was
5 busy with the other jobs, so I didn't hear
6 anything on the radio. After that,
7 nobody -- no conversation was heard on that
8 radio.

9 Q. And we heard some testimony about
10 YouTube videos. Have you watched any YouTube
11 videos --

12 A. Yes, I watched the YouTube videos.

13 Q. Let me finish the question real
14 quick.

15 So you've watched some YouTube
16 videos about the allision after the casualty,
17 correct?

18 A. Yes.

19 Q. Do you recall which specific
20 YouTube videos you watched?

21 A. The ship turning to starboard and
22 hitting the bridge.

23 Q. And are the YouTube videos that
24 you watched which demonstrate that based upon
25 any particular data points?

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1 A. No. There was no data points,
2 only the video I saw that. There was no
3 background opinion or something else. But I
4 saw the video.

5 Q. Did you get the link to watch the
6 video from other crew members staying with
7 you in your accommodations in Baltimore?

8 A. Yes, I watched that video when I
9 was on the bridge with my junior officer.

10 Q. Who watched the video together?

11 A. I watched -- with the other two
12 second officer also, I have watched that.

13 Q. So both of the other second
14 officers and yourself watched the video
15 together?

16 A. Yes.

17 Q. Do you recall approximately when
18 you watched that video together?

19 A. That, I don't remember. Maybe
20 after two, three days I could say like that.

21 Q. Do you recall if it was before the
22 NTSB preliminary reports that you previously
23 testified reading?

24 A. Yes.

25 Q. And the YouTube video you watched,

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1 was it the actual video of the ship or was it
2 a reconstruction, because there were both at
3 that time?

4 A. I didn't accompany the NTSB report
5 with the video, but when I saw the video
6 initially, I was just guessing because I
7 experienced only one interrupt of power. So
8 -- but the video shows two blackout power.
9 So I was guessing. Whether it was true or
10 not, I don't know. So I was telling it might
11 be reconstructed or something else.

12 (Reporter clarification.)

13 A. I'm not sure like the YouTube
14 videos reconstructed or it's a true video.

15 BY MR. LOCHNER:

16 Q. We had some earlier testimony
17 regarding meetings you had with your counsel,
18 Mr. Duffy.

19 A. Yes.

20 Q. Without telling me anything that
21 Mr. Duffy said to you, when did you first
22 meet Mr. Duffy?

23 A. When I was onboard.

24 Q. Approximately when?

25 A. A few days after the incident.

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1 Q. Had you previously been
2 represented by Mr. Simms?

3 A. Yes. Like he was representing
4 everybody.

5 Q. Much like Mr. Duffy is now
6 representing everyone; is that correct?

7 A. That's correct. They were giving
8 briefing earlier when I was onboard.

9 Q. Again, I don't want to know
10 anything about what was said by either
11 Mr. Simms or Mr. Duffy.

12 A. Yes, earlier I was in contact with
13 Mr. Simms when I was onboard. At the same
14 time, Mr. Duffy was also there.

15 Q. How many hours total have you
16 prepared for your deposition?

17 A. It's like five minutes -- less
18 than ten minutes I can say.

19 Q. Do you mean hours or minutes?

20 A. Minutes. It's less than minutes.

21 Q. So, again, without telling me
22 anything that you have discussed with
23 Mr. Duffy or Mr. Bennett for that matter, you
24 prepared less than ten minutes for today's
25 deposition?

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1 A. Yes, because last two days he was
2 doing the deposition here, so after giving
3 the deposition, he has to come to drop the
4 person where I'm living. So after dropping
5 him, he called me and just had a five-minute
6 stop, and then he go. So yesterday also we
7 had a five-minute stop.

8 Q. And did half of your prep for this
9 deposition occur with Mr. Bennett present?

10 MR. DUFFY: Object. Asserting
11 attorney-client privilege. I will
12 instruct the witness not to answer.

13 BY MR. LOCHNER:

14 Q. Just to be clear, who represents
15 you?

16 A. Mr. Duffy.

17 MR. DUFFY: Asked and answered.
18 Objection.

19 MR. LOCHNER: I think -- subject
20 to my review one more time, I think
21 that's all that I have for now.

22 MR. DUFFY: Thank you.

23 MR. WALKER: Who is next?

24 MR. REISMAN: Can I just ask a
25 couple real quick?

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1 MR. BENNETT: Sure.

2 EXAMINATION

3 BY MR. REISMAN:

4 Q. Chief officer, again, David
5 Reisman. A couple of questions.

6 Just first, onboard the ship, the
7 bosun reports to the chief officer; is that
8 correct?

9 A. That's correct.

10 Q. So when you were on the Dali, the
11 bosun reported to you?

12 A. That's correct.

13 Q. And the ABs, do they report to the
14 bosun?

15 A. Yes, the AB and OS reports to
16 bosun.

17 Q. ABs and OSes reports to bosun, and
18 the bosun reports to you?

19 A. That's correct.

20 MR. DUFFY: Thank you, sir.

21 MR. LOCHNER: I have one more
22 since I'm sitting here, if I may.

23 EXAMINATION

24 BY MR. LOCHNER:

25 Q. Did you see the moment that the

267

1 ship struck the bridge?

2 A. I didn't see the moment, but I
3 heard the moment.

4 Q. Were you in the accommodations
5 area of the vessel?

6 A. That time, I was in the
7 accommodations.

8 MR. LOCHNER: Thank you.

9 THE WITNESS: Thank you.

10 EXAMINATION

11 BY MS. AGUINIGA:

12 Q. Good afternoon, chief officer.

13 How are you?

14 A. Great. Good afternoon.

15 Q. Good. My name is Sarah Aguiniga.
16 I'm with the law firm DiCello Levitt, and I'm
17 here on the behalf of the City of Baltimore.

18 A. Okay.

19 Q. If there's ever a question that I
20 ask that you don't understand or that's not
21 very clear or if it's a bad question, which I
22 probably will ask you, feel free to ask me
23 for any clarity. I'm happy to do that.

24 A. Okay. Sure.

25 Q. So, chief officer, in your

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1 experience are you aware that pipelines that
2 which contain utilities can be located
3 underwater?

4 A. There are pipelines -- please
5 repeat your question.

6 Q. Sure. In your experience, are you
7 aware that there are pipelines that carry
8 utilities located underwater?

9 A. Yes, there are pipelines passing
10 through the restricted water also.

11 Q. And, I'm sorry, what was the last
12 thing you said, restricted water?

13 A. Restricted water means inside the
14 port limit.

15 Q. Okay. And in your experience, are
16 you aware that water mains may be among the
17 pipelines that are located under the water?

18 A. Yes.

19 Q. And, in your experience, have you
20 studied charts or maps of harbors in
21 connection with your routes?

22 A. Yes, it would be mentioned in the
23 charts.

24 Q. Would you agree that such
25 underwater utilities could be damaged if

1 they're hit by a vessel?

2 A. Yes, if the vessel keel touches

3 the pipeline, the pipeline will damage.

4 Q. Would you agree that such

5 underwater utilities could be damaged if they

6 are hit by the vessel's anchor?

7 A. Yes, if the anchor is dropped on

8 top of the pipeline, the pipeline will get

9 damaged.

10 Q. Would you agree that such

11 underwater utility could be damaged if they

12 were hit by a vessel's cargo?

13 A. Hit by a cargo, it depends upon

14 the type of the cargo.

15 Q. Okay. What -- could you explain

16 that, please?

17 A. If the floating cargo, the cargo

18 is not going to touch the ground. And if it

19 is a sinking cargo, the cargo will go down

20 but not with much force. If it go and hit

21 the pipeline with a force, then it will hit.

22 Apart from that, the cargo sinks, and because

23 of the current, the cargo was dragged, and it

24 will also go into the pipeline.

25 Q. Can you please give me an example

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1 of sinking cargo?

2 A. It could be container boxes also.
3 If it is a container box that's fully load,
4 and the water gets inside, and it will get
5 down.

6 Q. Do you know that if on the Dali,
7 the day of March 26, 2024, if there was
8 sinking cargo on the Dali?

9 A. Yes, because when I saw the
10 container boxes was initially floating on the
11 water, after that, I didn't see the container
12 boxes, so it would have been sunk.

13 Q. Do you have an estimate or an idea
14 of how much sinking cargo was on the Dali
15 during that route?

16 A. During the incident -- after the
17 incident, I saw four or five containers
18 floating on the starboard side of the vessel.
19 So after that, I didn't saw that four
20 containers, so I guess it all sunk.

21 Q. Thank you for that.

22 Now, generally, the navigation of
23 vessels accounts for underwater hazards; is
24 that right?

25 A. Yes.

1 Q. And this is for protection not
2 only for the vessel but also for underwater
3 infrastructure, correct?

4 A. Yes.

5 Q. Prior to leaving the port of
6 Baltimore -- strike that.

7 Were you given charts of the area
8 surrounding the Key Bridge?

9 A. Yes, we have onboard all the
10 charts.

11 Q. I'm sorry. What do you mean by
12 all the charts?

13 A. Whichever port we are going, the
14 trading pattern, it has to mandately getting
15 the charts as per the requirement. Whichever
16 port you're going, you should have that
17 charts, all the general chart, coastal, port
18 limit, all the charts.

19 (Reporter clarification.)

20 A. General charts, coastal chart,
21 harbor chart, berthing chart. So what are
22 charts you should have onboard.

23 Q. Is it a requirement to have these
24 charts?

25 A. Yes, it's a requirement to have

1 the charts.

2 Q. I'm sorry. I just want to
3 clarify. Did you say recommended or
4 requirement?

5 A. Requirement. It's a requirement
6 to have the charts onboard.

7 Q. Thank you. Are you aware that a
8 water main is located on the riverbed of the
9 Patapsco River underneath the Key Bridge?

10 A. If the chart shows the pipeline is
11 in that area, then it is the pipeline is in
12 that area.

13 Q. Okay. And thank you for that, but
14 my question was actually a little bit
15 different.

16 Are you aware that a water main is
17 located on the riverbed of the Patapsco River
18 below the Key Bridge?

19 MR. BENNETT: Just note my
20 objection.

21 BY MS. AGUINIGA:

22 Q. You can answer.

23 A. Yes, all the port inside harbor,
24 there will be some pipelines passing between
25 the two lands. So I'm aware that will be

1 some pipelines.

2 Q. So just for clarification, are you
3 aware that there is a water main pipeline?

4 A. It could be any pipeline like
5 water pipeline or gas pipeline or any
6 pipeline.

7 Q. Do you understand my question?

8 A. Please repeat.

9 Q. Okay. Sure. I'm -- English is my
10 second language, so I can completely
11 understand the difficulty --

12 A. Okay.

13 Q. -- so it's no problem at all.

14 Sitting here today, or previously,
15 do you know if there's a water main located
16 below the -- underneath the Patapsco River
17 below the Key Bridge?

18 A. No. I don't know whether the
19 pipeline was below the Key Bridge or not.

20 Q. Okay. Thank you.

21 Did Synergy ever provide training
22 relating to the safety concerning underwater
23 hazards including utility lines and pipes?

24 A. Related to pipelines. This is
25 a -- I didn't understand. What training --

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1 what Synergy has to do, you are asking?

2 Q. Sure. So my question is, did
3 Synergy ever provide you with training on
4 underwater hazards?

5 A. What training you are asking? I
6 cannot get because the -- when we make the
7 passage plan, the chart shows whether the
8 pipeline in that area or not. So when we
9 make a passage plan, we make accordingly that
10 we can maintain required clearance --

11 (Reporter clarification.)

12 A. We make the required clearance in
13 that area to make sure that the pipeline is
14 cleared from the ship bottom. So this is
15 normally every second officer learn in his
16 college.

17 So every officer will have a
18 training like how to make a passage plan.
19 Like he will do the training in college.

20 Apart from that, as I said
21 earlier, the training we get from Synergy
22 will include this training also, how to make
23 a passage plan.

24 Q. Okay. So with this training on
25 how to make a passage plan, would it include

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1 hazards related to pipelines or -- strike
2 that.

3 With the training that you would
4 receive on how to make a passage plan, would
5 that include underwater hazards?

6 A. Yes. It would give the no-go
7 areas, hazardous areas, like underwater
8 clearance. So it will show the pipelines.
9 So it will be a set of questions, like how
10 you say like -- so when we make a passage
11 plan, we are to make sure all these things
12 are clear, and the vessel is safe in that
13 passage. So it will have some options in the
14 manual, like if it shows the pipeline, as far
15 as possible, the passage plan, we make it --
16 we make sure we avoid that area not to cross
17 that pipeline.

18 So if there is no available
19 options, like, we can make, then we go above
20 the pipeline, make sure we have the under
21 keel clearance as per the company policy.

22 Q. Okay. Thank you for that.

23 So I can I asked a question
24 earlier about whether or not you knew that a
25 water main was located underneath the

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1 Patapsco River. But are you aware whether or
2 not the chart you received had the water
3 main?

4 A. No, I'm not aware. I said this
5 that like now I don't remember whether the
6 chart showed that or not. If I was onboard,
7 and if I was on navigation watch during that
8 passage, a hundred percent sure I would know
9 that pipeline is below the Francis Scott Key
10 Bridge.

11 MS. AGUINIGA: Thank you.

12 Pending my review of notes, I have no
13 further questions of this time. Thank
14 you so much, chief officer.

15 THE WITNESS: Thank you.

16 MS. AGUINIGA: I appreciate your
17 time today.

18 EXAMINATION

19 BY MR. MAHONEY:

20 Q. Hi, Chief.

21 A. Hi.

22 Q. My name is Kevin Mahoney, and I'm
23 here on behalf of the personal injury and
24 wrongful death claimants.

25 A. Okay.

1 Q. And I just want to start with some
2 general principals. On March 26th, Synergy
3 had written safety policies and procedures
4 obviously, right?

5 A. Yes.

6 Q. And you were the chief mate on the
7 Dali on March 26th?

8 A. Yes.

9 Q. And did you familiarize yourself
10 with those written safety policies and
11 procedures?

12 A. Yes.

13 Q. And you did so because there might
14 have come a time in the course of the
15 operation of the vessel where you might have
16 to use those safety policies and procedures;
17 is that fair?

18 A. Yes.

19 Q. Now, is it your testimony that on
20 March 26, 2024, the Dali was not equipped
21 with sound signaling equipment that could be
22 used to alert individuals on a fixed
23 structure such as the Key Bridge that the
24 vessel was going to hit that structure?

25 MR. BENNETT: Just note my

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1 objection.

2 BY MR. MAHONEY:

3 Q. Go ahead.

4 A. What are you asking? The vessel
5 is not equipped to allow the bridge -- I
6 didn't get your question.

7 Q. I will ask it again.

8 Is it your testimony that on
9 March 26, 2024, the Dali was not equipped
10 with sound signal equipment that could be
11 used by the crew or the master to alert
12 individuals on fixed structures such as the
13 Key Bridge that the vessel was going to hit
14 that structure?

15 MR. BENNETT: Just note my
16 objection.

17 BY MR. MAHONEY:

18 Q. Go ahead.

19 A. We have the sound signals onboard,
20 so that sound signals are used to alert the
21 other ships. So that sound signals, if a
22 sound -- I'm not sure that the individuals on
23 the bridge are going to understand whether it
24 is a fog signal or a general emergency alarm.

25 (Reporter clarification.)

1 A. Fog -- like sound signal or
2 general emergency alarm.

3 BY MR. MAHONEY:

4 Q. So what's the answer to my
5 question? Did the Dali have sound signal
6 equipment on March 26, 2024, that could be
7 used to alert people or persons on the Key
8 Bridge that the vessel was going to hit to
9 bridge?

10 MR. BENNETT: Just note my
11 objection.

12 BY MR. MAHONEY:

13 Q. To your knowledge as the chief
14 mate of the Dali?

15 MR. BENNETT: Just note my
16 objection.

17 A. The vessel has the sound signals
18 and other equipments, but the equipment is
19 not to alert the people on the bridge. Apart
20 from that, whether this equipment can be used
21 to alert that people on the bridge, then it
22 should be known -- like the pilot would have
23 advised the master, please use this equipment
24 signal to alert the people on the bridge.

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1 BY MR. MAHONEY:

2 Q. What sound signal equipment, if
3 any, on March 26, 2024, did the Dali have
4 that could be used to alert individuals on a
5 bridge that the vessel was going to hit that
6 bridge?

7 MR. BENNETT: Just note my
8 objection.

9 A. We have sound signal, like we also
10 call this a fog signal. So this is sound
11 signal is like a foghorn. It can be operated
12 by pneumatic with the air or by electric. So
13 this we normally used for alerting the other
14 ships or in a TSS channel when nearing the
15 bends to alert the other ships or we are in
16 doubt of the intention of the other vessels.

17 So sounding this signal, we are
18 not -- we are not teached like -- we are
19 not -- we never had an instruction like this
20 sound signal can be used for the individuals
21 who passing the bridge like ashore.

22 BY MR. MAHONEY:

23 Q. Synergy never gave you such an
24 instruction; is that correct?

25 A. No, our college -- we haven't

1 learned in our college.

2 Q. All right. Did Synergy ever give
3 you any instruction that the foghorn could be
4 used to alert individuals on the bridge that
5 the vessel was going to hit the bridge and
6 hurt people?

7 MR. BENNETT: Just note my
8 objection.

9 BY MR. MAHONEY:

10 Q. Go ahead.

11 A. As far as I remember, it was not
12 mentioned exactly in any of the policies.

13 Q. And so is it correct -- or is it
14 your testimony that the Dali did not have
15 sound signal equipment onboard whose purpose
16 it was to alert individuals on a fixed
17 structure like a bridge that the boat was
18 going to hit that bridge?

19 MR. BENNETT: Just note my
20 objection.

21 BY MR. MAHONEY:

22 Q. Go ahead.

23 A. As far as I remember, I didn't
24 heard any of the fog sound signal.

25 Q. That's not my question, sir.

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1 Okay?

2 A. Yeah.

3 Q. Can you listen to my question?

4 A. Yes.

5 MR. BENNETT: Don't be rude to
6 the witness.

7 BY MR. MAHONEY:

8 Q. You're chief mate of the Dali?

9 A. Yeah.

10 Q. The Dali hit had Key Bridge on
11 March 26, 2024, right?

12 A. Yes.

13 Q. On March 26, 2024, please list for
14 me the sound signal equipment on the Dali
15 that could be used by the crew or the master
16 to alert people on a bridge that the vessel
17 was going to hit the bridge. Please list
18 that equipment for me.

19 MR. BENNETT: Just note my
20 objection.

21 A. That's what I said. We have a
22 sound signal onboard, but it is not for
23 the -- that sound signal is not for alerting
24 the individual who is on the bridge. It is
25 the equipment -- we used it only for alerting

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1 the ships.

2 BY MR. MAHONEY:

3 Q. Okay. So please list for me the
4 equipment -- the sound signal equipment on
5 the Dali on March 26, 2024, that you, the
6 chief mate of the Dali, believe can be used
7 to alert individuals on a fixed structure
8 such as a bridge that the vessel is going to
9 allide with the bridge?

10 MR. BENNETT: Just note my
11 objection.

12 BY MR. MAHONEY:

13 Q. Please list that equipment for me.

14 A. So if you're asking whether it can
15 be used means this sound signal can be used,
16 but I will say that it -- the individual
17 wouldn't understand what the signal says.

18 Q. Okay. Well, the foghorn could be
19 used for that purpose. Is that fair to say?

20 A. It's not -- that's what I'm
21 saying. This fog signal, the individual
22 won't understand what the fog -- sound signal
23 means.

24 Q. But can it be used to alert
25 individuals on a fixed structure that the

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1 vessel is going to strike that structure?

2 A. If they don't understand why we
3 have to use that sound signal.

4 Q. Is the answer no then, it cannot
5 be used for that purpose?

6 A. It can be used, but if the -- if
7 any of the like local port regulations says
8 that this -- in case of any emergency to all
9 of the individual on the bridge, you're to
10 use this sound signal, then we would have
11 used that. That is -- and pilot will advise
12 the master to use the sound signal because
13 that's why we have the pilot onboard to
14 address -- it's like the advisor onboard who
15 is advising on the local regulation during
16 the navigation.

17 (Reporter clarification.)

18 A. So pilot will advice the master
19 related to the local regulation during the
20 navigation.

21 BY MR. MAHONEY:

22 Q. The master has to be familiar with
23 the local regulations that he's operating in,
24 right?

25 MR. BENNETT: Just note my

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1 objection.

2 A. He will -- he will understand --
3 he knows the local regulation, but, still,
4 that's why we have a pilot onboard so the
5 pilot would be more familiar during the
6 navigation -- when the vessel is underway in
7 the restricted water. So pilot will be more
8 familiar with the local regulations and the
9 local conditions of the, like, current, tide
10 and all this. And that's why we have pilot
11 onboard.

12 BY MR. MAHONEY:

13 Q. That much said, the master has to
14 familiarize himself with the rules of
15 navigation wherever he is operating the
16 vessel, agreed?

17 A. Yes.

18 Q. Now, the master on March 26, 2024,
19 in the bridge had the discretion, if he so
20 choose, to use the foghorn to alert
21 individuals on the Key Bridge that the vessel
22 was going to strike the bridge, agreed?

23 A. Please repeat your question.

24 Q. Sure. On March 26, 2024, as the
25 Dali was nearing the Key Bridge, the master

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1 had the discretion to utilize the foghorn to
2 warn anyone on the bridge that the vessel
3 might hit it, agreed?

4 A. Yes, if there is any regulation,
5 he would have used.

6 Q. But he had discretion as the
7 master, would you agree, to use that foghorn
8 if he thought it would have helped somebody
9 alert --

10 A. Yes, he would have used, correct.

11 Q. All right. Let me just get the
12 full question out.

13 The master, as the vessel was
14 nearing the Key Bridge, had the discretion as
15 master to utilize the foghorn to warn people
16 on the bridge about the vessel coming,
17 agreed?

18 A. Yes.

19 Q. If you were in the bridge that
20 night, would you have used the foghorn to
21 warn individuals on the bridge?

22 A. Yes, but, in emergency, there are
23 some priorities. What was the first thing to
24 do.

25 (Reporter clarification.)

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1 A. There are some priority, like what
2 are the actions -- like, immediately, what
3 are the actions has to be done. So, in that
4 case, if I had a time and if I had to use the
5 foghorn, I would have used.

6 BY MR. MAHONEY:

7 Q. And the things to do would be
8 listed on the power loss checklist?

9 A. Yes, if it is listed on the power
10 loss checklist, a hundred percent, I would
11 have done.

12 Q. And would you have memorized the
13 power loss checklist?

14 A. Yes, I remember the -- it's not
15 all the points, but, in emergency, I know
16 some of the things what to do. But still
17 it's like guidance I'll go and check.

18 Q. And that's the reason you use
19 checklists on these vessels --

20 A. Yeah, use --

21 Q. You got to let me finish. I'm
22 sorry.

23 A. Sorry.

24 Q. It's okay. That's the reason you
25 use checklists on these vessels so that when

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1 an emergency happens, you can act rather than
2 think; wouldn't you agree?

3 MR. BENNETT: Just note my
4 objection.

5 BY MR. MAHONEY:

6 Q. Go ahead.

7 A. Normally, the checklist is like a
8 guidelines. We use the checklist during the
9 drills and training. So during drills and
10 trainings, we use this checklist to train the
11 people so everybody knows their duties, what
12 to do.

13 So apart from that, in case of
14 emergency, in case of emergency, everybody
15 knows what to do, like what are the duties
16 they have done. So it's not like, in case of
17 emergency, which the important things has to
18 be done. Someone will leave like everything
19 and go and look for the checklist. So, in
20 emergency, every second is counted, so we can
21 use that minutes for the other important
22 things.

23 BY MR. MAHONEY:

24 Q. On the Dali, was compliance with
25 the power loss checklist optional on

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1 March 26th?

2 A. Power loss checklist compliance,
3 yes.

4 Q. Was it optional to comply with
5 that or was it mandatory?

6 A. No, checklist --

7 MR. BENNETT: Just note my
8 objection.

9 BY MR. MAHONEY:

10 Q. Go ahead.

11 A. Checklist is like a guidelines.
12 Based on the situation and based on the
13 location, based on the type of vessel we are
14 sailing, it's like a general -- checklist is
15 normally general. So it list out all the
16 guidelines, what are the things to be
17 followed. It doesn't mean all the points
18 which is list out in the checklist has to be
19 followed.

20 So it depends upon the situation,
21 where we are, like what type of vessel we are
22 doing, so it's based on that.

23 BY MR. MAHONEY:

24 Q. So it's optional, in your view?

25 MR. BENNETT: Just note my

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1 objection. That's not what he said.

2 A. The checklist is not optional.

3 The points listed out in the checklist is
4 optional. Some of the points apply to us,
5 some of the points won't apply to us.

6 BY MR. MAHONEY:

7 Q. Okay. But those points that do
8 apply to the given situation, compliance with
9 those portions of the checklist are
10 mandatory?

11 A. Yes, if it is applied to us, then
12 we should follow.

13 Q. You must follow?

14 A. Yeah, we must follow.

15 Q. After the allision, you inspected
16 the bow of the vessel?

17 A. Yes.

18 Q. And you saw a part of a car?

19 A. Yes.

20 Q. And you inspected the car because
21 you thought maybe that car had come from the
22 Key Bridge?

23 A. Yes.

24 Q. And can you just describe that for
25 us, what you did and saw?

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1 A. Okay. When we were going forward,
2 we were just crossing from starboard to port.
3 So in that cross deck, which is by number one
4 cargo hold -- it's the aft of number one
5 cargo hold, I think. So when we are crossing
6 the cross deck, I saw a big red bumper, so I
7 told the second officer, it looks like a car
8 bumper. And then I checked on top of the
9 container. I saw that some car was inside
10 the container, so I matched the car bumper of
11 that car and the bumper it was lying down, so
12 I confirmed it was from the car.

13 Q. What were the visibility
14 conditions that night, to your recollection?

15 A. I can see the bridge.

16 Q. So generally clear?

17 A. Yes, generally clear. I can see
18 the bridge and the patrol boats, everything,
19 so it's clear.

20 Q. After the allision, obviously?

21 A. Yeah, after the allision.

22 Q. Because you were -- where were you
23 when the allision occurred?

24 A. When the allision occurred, I was
25 in the cabin.

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1 Q. And what's the difference between
2 a fog signal and an emergency signal, if any?

3 A. Fog signal is used to -- fog
4 signal we used -- it's a sound signal, so
5 that sound signal and used during the fog,
6 restricted visibility, and the emergency
7 signal is to alert the ship crew.

8 Q. And what's the danger signal?
9 How does -- well, withdrawn. How does a
10 vessel alert others that it's in danger?

11 MR. BENNETT: Just note my
12 objection.

13 BY MR. MAHONEY:

14 Q. Go ahead.

15 A. Alerts the others who is onboard
16 or like the other ship?

17 Q. Yeah, do you know if there's a
18 signal used by ships to indicate danger?

19 A. Yes, onboard we have a general
20 emergency alarm, so that alarm is used to
21 alert the onboard crew that we have an
22 emergency, so run for the muster station.

23 Q. And for individuals not on the
24 vessel, is there a warning signal to be used?

25 MR. BENNETT: Just note my

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1 objection.

2 BY MR. MAHONEY:

3 Q. I mean a danger signal?

4 MR. BENNETT: Just note my
5 objection.

6 BY MR. MAHONEY:

7 Q. Go ahead.

8 A. To indicate the staff on the
9 bridge -- sorry, staff onboard?

10 Q. No, no, people not -- people on
11 another vessel or people on land.

12 MR. BENNETT: Just note my
13 objection.

14 BY MR. MAHONEY:

15 Q. Or a bridge.

16 (Reporter clarification.)

17 MR. MAHONEY: A bridge.

18 MR. BENNETT: Just note my
19 objection.

20 A. To all of the other vessels, we
21 used the sound signal. To all of the ship
22 staff, we use the general emergency alarm.

23 BY MR. MAHONEY:

24 Q. Okay. And how would you alert
25 another crew on another vessel that your ship

294

1 was in danger?

2 A. Through VHF through -- we
3 broadcast by VHF.

4 Q. Okay. You wouldn't use a sound
5 signal to alert that other crew on that other
6 vessel?

7 A. To all of the -- please repeat.

8 Q. If your vessel was -- had lost
9 power and was approaching another vessel and
10 might collide with that vessel, what would
11 you do, if anything, with the horn?

12 A. Sound signal is used to -- yeah,
13 we use the sound signal to alert the
14 intention of the other vessel and if you're
15 in doubt with the other. The sound signal is
16 not to -- it's not used to what emergency we
17 have. So what emergency we have is broadcast
18 by VHF and other things.

19 Q. And what's the signal when in
20 doubt?

21 A. It's a five rapid blast.

22 Q. Of what?

23 A. By sound signal.

24 Q. Of the foghorn?

25 A. Yes, foghorn. Five sharp rapid

295

1 blast and continuous.

2 Q. And -- sorry. And what?

3 A. And a continuous one.

4 Q. So five blasts and then hold the
5 horn?

6 A. Yes.

7 Q. Sir, are you still being -- well,
8 withdrawn.

9 On March 26, 2024, you were an
10 employee of Synergy; is that right?

11 A. Yes.

12 Q. Are you still a Synergy employee?

13 A. Once we signed off from the
14 vessel, it's like we might leave Synergy and
15 go to other company. It's not like even if
16 you signed off from the vessel that we are
17 the employee of Synergy. Once we got down
18 from the vessel, it's the contract finished
19 with that company. So it could be our
20 decision whether I want to go to same company
21 or a different company.

22 Q. Well, you were on the Dali on
23 March 26th obviously, right?

24 A. Yes.

25 Q. And you were being paid to be

296

1 there?

2 A. Yes, I was paid by Synergy to be
3 on.

4 Q. And -- okay. Is Synergy still
5 paying you?

6 A. Yes, now he's paying us.

7 Q. Synergy is?

8 A. Yes, Synergy is paying us.

9 Q. And has Synergy been paying you
10 continuously since March 26, 2024?

11 A. That's correct.

12 Q. And do you earn a set wage or an
13 hourly wage or both?

14 A. It's a monthly wages.

15 Q. And besides -- are you being paid
16 for your time here today?

17 A. While joining the ship -- what was
18 the -- the contract we signed, the same thing
19 we are receiving now.

20 Q. Yeah, my question is specifically
21 for appearing today, are you earning money
22 like an hourly wage or are you just earning
23 your monthly pay with Synergy?

24 A. When I signed the contract, what
25 was my monthly wage, the same wage I'm

297

1 receiving now.

2 Q. All right. And you haven't --

3 you're not receiving any other compensation

4 for your presence here today?

5 A. Compensation, no.

6 Q. Anything else?

7 A. Apart for that, we have received
8 the allowance money like for the food -- food
9 allowance money we are receiving.

10 Q. And your housing?

11 A. Yeah, housing. It's housing, we
12 are not receiving money. They're paying
13 directly.

14 Q. Okay. You mentioned the muster
15 stations.

16 A. Yes.

17 Q. Was there a muster list posted in
18 the vessel --

19 A. Yes, on --

20 Q. Let me just finish. Were the
21 muster lists posted in the vessel -- on the
22 vessel on March 26th?

23 A. Yes, in all the common places.

24 Wherever it has to be posted, it was posted.

25 Q. And how often is the muster list

298

1 updated and changed?

2 A. When there is a change of crew.

3 Q. And so when would the muster list
4 have been updated last before the allision?

5 A. So when there was a last sign on,
6 sign off so that time it would have been --
7 it should have been updated.

8 Q. And do you know when that was
9 precisely?

10 A. The last sign on, sign off
11 was -- okay. March 25th we had two guys
12 signed off. So after that, it should have
13 been updated.

14 Q. Was it updated?

15 A. Yes, it will be updated by third
16 officer --

17 Q. But do you know --

18 A. -- sorry, second officer.

19 Q. I'm sorry. Do you know, sir, if
20 it was?

21 A. Yes, I'm sure it was updated. I
22 don't remember all the activities happened
23 onboard. So I'm sure it has updated because
24 the person who is responsible for that, he's
25 like a very active person. A hundred percent

1 sure he would have updated.

2 Q. But do you know for certain to
3 date?

4 A. That's the thing I don't remember
5 because, as far as I remember, he has
6 updated.

7 Q. That's fine. I just want to know
8 what you know and don't know. Do you know if
9 the muster list was updated during that crew
10 change or not?

11 A. It has been almost a year now. I
12 still don't know remember what are the
13 activities happened onboard. Because in a
14 day there are hundreds -- like so many
15 activities happens, I can't keep recalling
16 each and every activity.

17 Q. Yeah, I just need to know now --

18 A. It's like a basic -- this is like
19 a basic, like this will happen when this
20 happens. Like when sign on, sign off
21 happens, this automatically changes. It's
22 not like a big duty to like some procedure
23 has to be followed. So when sign on, sign
24 off happens, second officer will know what to
25 do. He will go -- first thing is will go and

300

1 change the muster list.

2 Q. But I'm -- you don't know for
3 certain despite that fact that that's the
4 routine occurrence on the vessel. You don't
5 know for certain if that muster list is
6 updated?

7 A. Yeah, I will confirm that with the
8 second officer if the muster list updated or
9 not?

10 Q. You can do that for us?

11 A. Yeah, I will do that --

12 Q. Okay.

13 A. -- since I'm a safety officer.

14 Q. You were the safety officer
15 onboard?

16 A. I'm a safety officer, and he's a
17 designated safety officer. He's carrying out
18 all the safety duties, and he'll report to
19 me.

20 Q. Sir, you got asked early on in the
21 deposition if you had ever experienced a
22 blackout before -- on a vessel before
23 March 25th.

24 Do you remember that?

25 A. In Dali -- in Dali, you're asking?

301

1 Q. Well, that's my question and I
2 will just ask it.

3 Before March 25, 2024, had you
4 ever experienced a blackout or loss of power
5 on the Dali?

6 A. No.

7 Q. And have you ever been involved
8 in, before this one, an allision or collision
9 on a vessel?

10 A. Before this vessel, in one of the
11 vessels we had a -- like touched with a jetty
12 on one of the vessel, like pilot didn't
13 produce the speed in time, so we had a touch
14 at the jetty, but there was no major accident
15 or damage to the ship.

16 Q. And was that on the Dali?

17 A. No, it's not Dali.

18 Q. All right. What vessel was that
19 on?

20 A. I don't remember the vessel name,
21 but in my time it was happened.

22 Q. And where did that happen?

23 A. It was Kaohsiung, Taiwan. Taiwan,
24 Kaohsiung.

25 Q. And were you working for Synergy

302

1 at the time?

2 A. Yes, it's -- Synergy I was chief
3 officer.

4 Q. What was the name of the vessel?

5 I'm sorry.

6 A. I cannot recall the name of the
7 vessel.

8 Q. And besides that, were you
9 involved in any collision or allision on a
10 cargo vessel besides the Dali?

11 A. No. No.

12 MR. MAHONEY: Thank you, sir.

13 THE WITNESS: Thank you.

14 MR. MAHONEY: That's all I have,
15 but we would like to keep the
16 deposition open pending petitioner's
17 responses to discovery.

18 MR. WALKER: Before we go off
19 the record, where are the exhibits
20 that were given to this witness during
21 the deposition?

22 MR. DUFFY: I haven't a clue.

23 MR. WALKER: Okay. I can assure
24 you that those exhibits are on that
25 side of the table where this witness

303

1 were, and no one from this side of the
2 table has been where that witness
3 belongs. We would not go anywhere
4 near Mr. Bennett's materials. Look in
5 your -- look in your thing and find
6 the exhibits. The same thing that
7 happened, and no one has been in that
8 area.

9 MR. REISMAN: Put that on the
10 record.

11 MR. WALKER: We are on the
12 record now.

13 MR. REISMAN: No, I know but
14 what happened yesterday.

15 MR. BENNETT: Everyone just --

16 MR. DUFFY: I misspoke before.
17 I put this binder in the bag. I went
18 home. I did open the bag. I took my
19 laptop out. There's the bag. There's
20 the binder. Take a look.

21 MR. WALKER: Owen, I'm not going
22 to search through your personal
23 belongings, but I want you to now,
24 before we leave and go off the record,
25 look through your binder and find the

304

1 exhibits that were used today and
2 presented to your witness on that side
3 of the table.

4 MR. DUFFY: These are the
5 exhibits that I had a pile of.

6 MR. WALKER: What's on the
7 top -- right now, what's under your
8 left thumb?

9 MR. DUFFY: These are the
10 exhibits from today.

11 MR. WALKER: In your bag. Can
12 you please put them back on the table
13 so they can be marked and kept with
14 the court reporter.

15 MR. DUFFY: I thought we were my
16 copies.

17 MR. WALKER: How many do you
18 have?

19 MR. DUFFY: You gave me a copy
20 of the exhibits.

21 MR. WALKER: I did. I gave your
22 client a copy. I gave you a copy. I
23 gave Mr. Bennett a copy.

24 MR. DUFFY: I didn't know I was
25 responsible for keeping the exhibits.

305

1 MR. REISMAN: I gave a copy to
2 the witness, and I think this -- look,
3 I don't think there's any --

4 MR. DUFFY: Nobody told me I was
5 keeping the exhibits.

6 (Simultaneous unreportable crosstalk.)

7 MR. DUFFY: They said it was an
8 exhibit. I was marking them up. I
9 was marking them up as the deposition
10 was going on.

11 MR. REISMAN: What happened to
12 the copy your client had?

13 MR. WALKER: Let me see what you
14 have, please.

15 MR. REISMAN: And I think this
16 was probably what happened yesterday.
17 And I understand it was just --

18 MR. DUFFY: This is from
19 yesterday. I was making notes on the
20 exhibits.

21 MR. BENNETT: I think we need to
22 have --

23 MR. DUFFY: If you wanted me to
24 keep the exhibits, you should have
25 told me.

306

1 MR. REISMAN: Nobody asked you
2 to keep the exhibits, but I think you
3 took them inadvertently.

4 MR. DUFFY: No, I was handed a
5 copy, and I marked --

6 (Simultaneous unreportable crosstalk.)

7 MR. WALKER: I believe these two
8 were --

9 MR. BENNETT: Were any of the
10 exhibits --

11 MR. DUFFY: That is my writing.

12 MR. BENNETT: Were there any
13 exhibits yesterday that had the
14 official sticker put on them when they
15 were handed across the table.

16 MR. REISMAN: No.

17 MR. BENNETT: That's the
18 problem.

19 MR. MAHONEY: We got to start
20 marking them with stickers.

21 MR. WALKER: I agree. And
22 listen, what I said, and I believe
23 it's on the record, I'd have to look,
24 is that I marked them with a number,
25 and I asked the court reporter to mark

307

1 them at the conclusion of -- to put
2 the sticker matching the number. The
3 ones that have the numbers on them
4 that have my blue marker on them are
5 the originals ones that were given
6 because I wrote the number on every
7 one that I gave the witness yesterday.

8 MR. DUFFY: You want to look
9 through this binder? You want to look
10 through my bag?

11 MR. WALKER: So, for example,
12 out of your bag is Exhibit 35 that has
13 the number on it that I gave the
14 witness yesterday. It has my
15 handwriting on it. That was the one
16 given to the witness yesterday.

17 MR. DUFFY: That was handed to
18 me just like that. I remember that
19 because I was --

20 MR. BENNETT: The problem is
21 that they weren't officially marked.
22 We can agree to disagree about
23 responsibility. Let's just clear it
24 up if we can so that we have a proper
25 record.

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1 MR. REISMAN: And just for the
2 record, Owen, nobody --

3 (Simultaneous unreportable crosstalk.)

4 MR. REISMAN: All I know is --

5 THE STENOGRAPHER: One at a
6 time.

7 MR. REISMAN: I don't think
8 anything was done intentionally, but
9 it sounds like maybe you inadvertently
10 picked them up. And let's just --

11 MR. BENNETT: So why don't we --
12 so the court reporter doesn't need to
13 take all this down. So we are closing
14 the record?

15 MR. WALKER: Just for the
16 record --

17 (Simultaneous unreportable crosstalk.)

18 MR. DIETRICK: Just so I
19 understand, there's not going to be a
20 chain of custody --

21 (Simultaneous unreportable crosstalk.)

22 MR. WALKER: Excuse me. One
23 second. I'm sorry. Just for the
24 record, out of Owen's materials are
25 two copies of Petitioner 6047 --

1 MR. DUFFY: That's what he just
2 gave me.

3 (Simultaneous unreportable crosstalk.)

4 THE STENOGRAPHER: Hold on. One
5 at a time.

6 MR. DUFFY: He just handed me
7 his --

8 MR. WALKER: Let me finish.

9 Out of Owen's materials are two
10 copies of Petitioner 604720. One of
11 them is a copy the witness got, and
12 one of them and copy you got, and both
13 of them are in your materials.

14 MR. DUFFY: Because he just
15 handed it to me, and I just put them
16 in the thing.

17 MR. WALKER: There was nothing
18 on the table, Owen.

19 MR. DUFFY: What?

20 MR. WALKER: There was nothing
21 on the table before we started.

22 MR. BENNETT: There's no reason
23 -- let's -- there's no reason to put
24 it on the record. Let's just --

25 MR. DUFFY: You handed him a

310

1 copy.

2 (Simultaneous unreportable crosstalk.)

3 MR. DUFFY: You handed him a
4 copy. You handed me a copy. I put
5 mine in there, he gave he his, and he
6 said I don't want them. I put them in
7 there.

8 MR. BENNETT: Let's clear up --

9 let's --

10 MR. REISMAN: I think -- as is
11 typically the case, I think what
12 happened is that the official exhibit,
13 which did not have a sticker, was
14 given to the witness yesterday and
15 today.

16 MR. DUFFY: I will ask him, but
17 I don't remember him having it --

18 MR. REISMAN: Let me just
19 finish. Was given to the witness, and
20 it appears, certainly today, that the
21 witness gave it to you, and then you
22 took possession of it. My guess is
23 that's probably what happened
24 yesterday because everybody else in
25 the room who was there, and there were

311

1 no documents left --

2 MR. DUFFY: I didn't take
3 possession of it yesterday. And I'm
4 telling you, this bag, you can look
5 through it. The only thing I took out
6 last night was my laptop, and then I
7 put my laptop back in this morning.
8 And I'm sorry if you lost the
9 exhibits. But...

10 MR. BENNETT: All right. Why
11 don't we -- does anyone else have
12 anything to say on the record before
13 we close it?

14 MR. MAHONEY: Can we just look
15 at every piece of paper in his bag
16 just to make sure?

17 MR. WALKER: You want to look --

18 MR. MAHONEY: I don't want to do
19 it, but can Owen do it? I think we
20 want to gather the exhibits.

21 MR. BENNETT: But can we close
22 the record?

23 MR. MAHONEY: I'm okay with
24 that.

25 MR. BENNETT: All right. Jason,

312

1 we have the order comment about
2 the -- chain of custody. Not an issue
3 if it came from one account. I think
4 we're closed.

5 THE VIDEOGRAPHER: We're going
6 off the record at 2:49 p.m.

7 (A brief recess was held from
8 2:49 p.m. to 2:56 p.m.)

9 (Off the video record.)

10 MR. DUFFY: For the record, I
11 called the witness, Bisht, who
12 appeared yesterday and asked him if he
13 took the papers off the table, and he
14 said yes. I haven't seen them. I
15 think they're the papers you're
16 looking for, which are the exhibits.
17 I will go get them this afternoon, and
18 when I get a chance, not today, I will
19 mail them to the court reporter with a
20 certification. That's what he took
21 off the table.

22 MR. WALKER: And that they have
23 not been altered.

24 MR. DUFFY: Yes, and not been
25 altered.

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1 MR. REISMAN: Anybody have
2 anything to add? Thank you. We're
3 off the record.

4 (Thereupon, the proceedings
5 concluded at 2:56 p.m.)

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1 CERTIFICATE OF REPORTER

2

3 UNITED STATES DISTRICT COURT)

4 NORTHERN DISTRICT OF MARYLAND)

5

6 I, ERICA FIELD, RDR, CRR, certify that I
7 was authorized to and did stenographically
8 report the deposition of STEPHEN FERNANDO
9 KWINSTEEN JAYAKUMAR, pages 1 through 313; that
10 a review of the transcript was not requested;
11 and that the transcript is a true and
12 complete record of my stenographic notes.

13 I further certify that I am not a
14 relative, employee, attorney, or counsel of
15 any of the parties, nor am I a relative or
16 employee of any of the parties' attorney or
17 counsel connected with the action, nor am I
18 financially interested in the action.

19

20 DATED this 23rd day of March, 2025.

21

22


Erica Field, RDR, CRR

23

24

25

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